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Complaints Procedures Policy

#GN9

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**Statement of intent**

Three Counties Academy Trust (TCAT) aims to resolve 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 academies throughout the procedure.

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

* Any member of TCAT staff
* Any TCAT academy
* Any Local Governing Body (LGB) or Governor of the trust
* Individual Trustees or the Trust Board
* TCAT as a whole

It is designed to ensure that TCATs complaints procedure is straightforward, impartial, non-adversarial, allows a full and fair investigation, respects confidentiality, and delivers an effective response and appropriate redress.

This policy outlines the procedure that the complainant, TCAT and our academies will follow. Once a complaint has been made, it can be resolved or withdrawn at any stage.

The Headteacher/Head of School and/or Chair of Governors of the relevant academy will delegate an appropriate person to be the first point of contact during the complaints procedure. Where a complaint is against a member of the TCAT Central Team or TCAT itself, the executive Headteacher/CEO and/or the Chair of the Trust Boardwill delegate an appropriate person to be the first point of contact during the complaints procedure.

# Legal framework

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

* Freedom of Information Act 2000
* Education Act 2002
* Equality Act 2010
* Part 7 of The Education (Independent School Standards) Regulations 2014
* Immigration Act 2016
* UK General Data Protection Regulation (UK GDPR)
* Data Protection Act 2018
* HM Government (2016) ‘Code of Practice on the English language requirement for public sector workers’
* ESFA (2021) ‘Best practice guidance for academies complaints procedures’
* ESFA (2024) **‘**Academy trust handbook 2024’

This policy operates in conjunction with the following TCAT and school policies:

* Admissions Policy Trust Level
* Child Protection and Safeguarding Policy and Procedures
* Behaviour Policy
* Suspension and Exclusion Policy
* Whistleblowing Policy
* Grievance Policy and Procedures
* Data Protection Policy
* Records Management Policy

# Definitions

For the purpose of this policy, a “**complaint**” is defined as ‘an expression of dissatisfaction’ towards the actions taken or a perceived lack of action. Complaints can be resolved formally or informally.

A “**concern**” is defined as ‘an expression of worry or doubt’ where reassurance is required. For the purpose of this policy, concerns will be classed and addressed as complaints.

Any complaint or concern will be taken seriously, whether raised formally or informally, and the appropriate procedures will be implemented.

The definition of “**unreasonable complaints**” is outlined in the ‘Managing unreasonable complaints’ section of this policy.

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 role of the ESFA’ subsection of this policy. Any new details provided by a complainant’s spouse, partner or child, however, will be investigated and managed in line with the complaints procedure.

For the purpose of this policy, “**complaints campaigns**” are where TCAT, or a TCAT academy, receives large volumes of complaints that are all based on the same subject.

For the purposes of this policy, having **“independence”** from TCAT and our academies is defined as having no association with TCAT, including through being a Member, Trustee, Local Governor or employee, and having no clear connection with any of TCATs academies, including through being an employee or solicitor. Independent panel members will meet TCATs and the ESFA’s definition of independence.

# Making a complaint

Any person, including a member of the public, is able to make a complaint about the provision of facilities or services that TCAT provides. Complaints may also be made by a third party on behalf of a complainant, contingent on appropriate consent having been obtained to do so. All complaints made will be handled via the procedures outlined in this policy.

TCAT will not normally investigate anonymous complaints.

Individuals making complaints about issues relating to separate statutory procedures will be referred as follows:

* **Admissions** – referred to the appeals process outlined in the Admissions Policy Trust Level
* **Child protection** – referred to safeguarding procedures outlined in the Child Protection and Safeguarding Policy and Procedures
* **Exclusion** – referred to the procedures outlined in the Behaviour Policy and Suspension and Exclusion Policy
* **Whistleblowing** – referred to the internal whistleblowing procedures outlined in the Whistleblowing Policy
* **Staff grievances** – referred to the internal grievance procedures outlined in the Grievance Policy and Procedures
* **Staff conduct** – referred to the internal disciplinary procedures
* **Third-party suppliers using TCAT premises or facilities** – referred to separate complaints procedures. TCAT will ensure any third-party supplier using TCAT premises or facilities to offer community facilities or services has its own complaints procedures in place and such complaints do not fall within the scope of this policy

All other complaints will be directed towards the procedures laid out in this policy.

Complainants may make complaints in person, in writing or by telephone. Complaints should be made using the appropriate channels of communication.

Complaints are expected to be made as soon as possible after an incident arises to amend the issue in an appropriate timescale. TCAT upholds a three-monthtime limit in which a complaint can be lodged regarding an incident. Complaints made outside this time limit will be considered only in exceptional circumstances. In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner. Complaints received outside of term time will be treated as being received on the first school day after the holiday period.

A complaint can progress to the next stage of the procedure even if it is not viewed as “justified”. All complainants are given the opportunity to fully complete the complaints procedure.

**Complaints about TCAT staff, Governors or Trustees**

Complaints against staff of a TCAT academy will:

* Be dealt with by the Headteacher/Head of School of the academy
* Follow the complaints procedure, including a panel hearing where applicable

Complaints against a Headteacher/Head of School of a TCAT academy will:

* Be dealt with by the Executive Headteacher/CEO in consultation with the Chair of the LGB of the academy
* Follow the complaints procedure, including a panel hearing where applicable

Complaints against Local Governors or Trustees will:

* Be made in writing to the Governance Professional, who will arrange for them to be heard
* Be dealt with by the Chair of the LGB or the Chair of the Trust Board, respectively
* Potentially involve escalation to the Trust Board to conduct an investigation – this will be handled by the Executive Headteacher/CEO
* Involve a panel hearing where applicable

Complaints against the Chair of the Trust Board, or an entire LGB will:

* Be made in writing to the Governance Professional, who will determine the most appropriate course of action dependent on the nature of the complaint

Complaints against the Trust Board will:

* Be dealt with by the Executive Headteacher/CEO
* Follow the complaints procedure, including a panel hearing where applicable

Complaints against the Executive Headteacher/CEO will:

* Be dealt with by theChair of the Trust Board, with a panel hearing where applicable

Complaints against TCAT will:

* Be dealt with by the Executive Headteacher/CEO
* Begin with stage two of the ‘Complaints procedure’ outlined in this policy, i.e. via a formal, written complaint

**Complaints escalated to TCAT**

Where a complainant wishes to escalate their complaint to TCAT, the complaint will be handled by the Executive Headteacher/CEO.

The Governance Professional will write to the complainant to acknowledge their complaint within 15 days of receiving it. If appropriate, the Executive Headteacher/CEO will investigate the complaint and provide an initial response.

Where the complainant is not satisfied with the outcome of the initial response, they will be prompted to write to the Governance Professional to ask for the complaint to be held before a panel within 10 school days. The Governance Professional will record the date this complaint is received and will respond within 10 school days. The panel hearing will be organised in accordance with stage three of the 'Complaints procedure’.

If a complaint is escalated beyond the panel, its resolution may involve sourcing an independent investigator to deal with the complaint. In exceptional circumstances, where it is necessary to deviate from the complaints procedure, this deviation will be appropriately documented.

Information about a complaint will not be disclosed to a third party without written consent from the complainant.

# Roles and responsibilities

The complainant is responsible for:

* Cooperating with TCAT, or a TCAT academy, in seeking a solution to the complaint
* Expressing the complaint and their concerns in full at the earliest opportunity
* Promptly responding to any requests for information and meetings
* Asking for assistance as needed
* Treating anyone involved in the complaint with respect

The role of the investigator will differ depending on the nature of the complaint and who it is directed at. This means that:

* For complaints against staff of TCAT academies, the investigator will be the Headteacher/Head of School
* For complaints against Headteachers/Heads of School of TCAT academies, the investigator will be the Chair of the LGB
* For complaints against Local Governors, the investigator will be the Chair of the LGB, or in the case of a complaint against the Chair of the LGB the investigator will be the Chair of the Trust Board
* For complaints against Trustees, the investigator will be the Chair of the Trust Board
* For complaints against the Chair of the Trust Board, Chair of a LGB, or an entire LGB, the Governance Professional will appoint an appropriate person to be the investigator
* For complaints against the Executive Headteacher/CEO, the investigator will be the Chair of the Trust Board

The investigator of the complaint is responsible for:

* Providing a sensitive and thorough interviewing process of the complainant to establish what has happened and who is involved
* Considering all records, evidence and relevant information provided
* Interviewing all parties that are involved in the complaint, including staff and pupils
* Analysing all information in a comprehensive and fair manner
* Liaising with the complainant and clarifying an appropriate resolution to the problem
* Identifying and recommending solutions and courses of actions to take
* Being mindful of timescales and ensuring all parties involved are aware of these timescales
* Responding to the complainant in a clear and understandable manner

Where complaints are escalated to a panel hearing, all complaints panel members will be aware that:

* The review panel hearing is independent and impartial
* No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel
* The aim of the panel is to achieve a reasonable resolution and, ultimately, attain reconciliation between the parties involved
* Reconciliation between TCAT and the complainant is not always achievable, and that it may only be possible to establish facts and make recommendations to reassure the complainant that their case has been taken seriously
* The panel can:
	+ Dismiss or uphold the complaint, in whole or in part
	+ Decide on appropriate action to be taken
	+ Recommend changes that TCAT can make to prevent reoccurrence of the problem
* Complainants may feel nervous or inhibited in a formal setting and, therefore, the proceedings should be as welcoming as possible
* When a child is present at the hearing, extra care needs to be taken to ensure that the child does not feel intimidated, as well as ensuring the child’s view is represented equally

The panel chair will:

* Ensure that minutes of the hearings are taken on every occasion
* Explain the remit of the panel to the complainant
* Ensure that all issues are addressed and that outcomes are reached based on facts and evidence
* Help to put at ease and console individuals involved who are not used to speaking at such hearings, particularly any pupils involved
* Conduct the hearing in a manner that ensures everyone is treated with respect and courtesy
* Ensure that the room’s layout and setting is non-adversarial, yet still sets the appropriate tone
* Confirm that no member of the panel has previously been involved in the earlier stages of the procedure or has an external interest in the outcome of the proceedings
* Give both the complainant and TCAT the opportunity to state their case and seek clarity without undue interruption
* Provide copies of any written material or evidence to everyone in attendance of the meeting, ensuring that everyone has seen the necessary material
* Organise a short adjournment of the hearing if required
* Continuously liaise with the Governance Professional to ensure the procedure runs smoothly
* Help to provide the support necessary where the complainant is a child

**The role of the ESFA**

If a complainant remains dissatisfied once the complaint procedure has been completed, they have the right to refer their complaint to the Secretary of State. If a complainant wishes to escalate a complaint, TCAT will refer them to the relevant contact form, and prompt them to follow the instructions on this form to submit a complaint to the Secretary of State.

The ESFA will not overturn TCATs or the panel’s decision about a complaint or re-investigate the original complaint. The ESFA will only intervene following a complaint if it believes TCAT has:

* Breached a clause in its funding agreement
* Failed to comply with education law or acted unreasonably when exercising related education functions

When making a final decision about a complaint, TCAT reserves the right to seek advice from the ESFA on whether they are acting reasonably and lawfully; however, they will not be able to advise on how to resolve the complaint.

# Complaints procedure

This policy is implemented in full across TCAT. TCAT will ensure that the complaints procedure is:

* Easily accessible and publicised on its website
* Simple to understand and put into practice
* Impartial and fair to all parties involved
* Respectful of confidentiality duties
* Continuously under improvement, using input from the SLTs of all individual TCAT academies
* Fairly investigated, by an independent person where necessary
* Used to address all issues to provide appropriate and effective responses where necessary.
* **Informal** – which will usually come in the form of a meeting between a representative of TCAT or individual TCAT academy and the complainant
* **Formal** – where the complaint is put in writing to TCAT
* **Panel hearing** – where the panel includes at least three people who were not directly involved in the matters detailed in the complaint and one person who is independent of the management and running of TCAT

At each stage, complainants will be informed of their options for escalation if they are unsatisfied with the outcome of their complaint. The appropriate person will communicate the details of the next stage of the process when delivering the outcome of the current stage, where applicable.

To prevent later challenge or disagreement over what was said in any in-person meetings or telephone conversations at any stage of the procedure, brief notes will be kept, and a copy of any written response will be added to the record of the complaint. Notes and paper copies of any complaints and/or responses are kept securely by the investigator, or on at the TCAT Central Offices where the complaint is against TCAT as a whole or a member of the Trust Board.

**Stage one – informal complaint**

An informal complaint may be made in person, by telephone or in writing; however, it is preferred that initial, informal complaints are made via an in-person meeting.

Where a complaint has been made about a member of staff, the complainant can discuss the concern with the Headteacher/Head of School, or a person delegated to hear the complaint on their behalf, to seek support. If the concern is about the Headteacher/Head of School, the Chair of the LGB should be informed and will need to handle the complaint. The complainant can then be referred to the Chair of the Trust Board.

Where a complaint is made initially to a Trustee, the complainant will be referred to the appropriate person. No member of staff or Trustee will act alone on a complaint outside of the procedure; if they do, they cannot be involved if the complaint is subject to a hearing at a later stage of the procedure.

Within 10 school days of notification of the complaint, the complainant and the relevant member of staff should discuss the issue in a respectful and informal manner to seek a mutual resolution.

At this initial communication stage of the complaint, the complainant will be asked for their input as to what they believe may resolve the issue about which the complaint has been made to avoid further escalation where possible.

In line with ESFA guidance, complainants should note that any acknowledgement by TCAT that it could have handled the situation better is not an admission of unlawful or negligent action.

If an appropriate resolution cannot be sought at this informal level, or if the complainant is dissatisfied with the outcome following the initial discussions, the person managing the response to the complaint will inform the complainant about the next level of the procedure.

**Stage two – formal complaint**

Formal complaints must be made in writing.

Stage two of the process will be completed within 15school days. Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the person managing the complaint will contact the complainant to inform them of the revised target date via a written notification.

An appointment with the appropriate person for managing the complaint should be made, as soon as reasonably practical, to avoid any possible worsening of the situation.

If the complaint is against a Headteacher/Head of School, the complainant will initially need to write, in confidence, to the Chair of the LGB. The Chair will seek to resolve the issue informally, e.g. by arranging a meeting with the complainant within 15 days, before moving directly to stage three of the procedure.

Where the appropriate person has made reasonable attempts to accommodate the complainant with dates for a complaint meeting and they refuse or are unable to attend, the meeting will be convened in their absence and a conclusion will be reached in the interests of drawing the complaint to a close.

In terms of a complaint being made against a member of staff, the Headteacher/Head of School will discuss the issue with the staff member in question. Where necessary, the Headteacher/Head of School will conduct interviews with any relevant parties, including witnesses and pupils, and take statements from those involved. All discussions shall be recorded by the Headteacher/Head of School, and findings and resolutions will be communicated to the complainant either verbally or in writing.

Once all facts are established, the person handling the complaint shall contact the complainant in writing with an explanation of the decision. The complainant will be advised of any escalation options (e.g. escalation to stage three) and will be provided with details of this process.

The complainant will also be provided with copies of minutes, subject to any necessary redactions under the Data Protection Act 2018 and the UK GDPR. Any further action TCAT plans to take to resolve the issue will be explained to the complainant in writing.

If the complainant is not satisfied with the outcome suggested, the procedure will progress to stage three. A request to escalate to stage three will be made to the Governance Professional within 10 school days of the end of stage two, i.e. communication of an outcome.

**Stage three – panel hearing**

Where the complaint progresses to stage three, a panel will be constituted to hear the complaint, consisting of at least three individuals who were not directly involved in the matters detailed in the complaint, and at least one independent panel member. Where the complaint concerns an individual TCAT academy, the independent panel member will have no clear connection with that academy, such as having conducted work for the academy. Where possible, the independent panel member will also have no association with TCAT. Where this is not possible, however, and the complaint concerns an individual academy, in line with the ESFA’s guidance, a local governor serving on the LGB of a different TCAT academy may occupy this role, as they will be sufficiently separate from the academy being complained about.

The Governance Professional will record the date the escalation request was received, acknowledge receipt of the complaint, and inform the complainant of the scheduled time and date of the panel hearing in writing. The meeting will be convened within 15 days of the receipt of the escalation request where possible. Where this is not possible, the Governance Professional will provide an anticipated date and ensure the complainant is kept up-to-date.

5 days’ notice will be given to all parties attending the panel hearing, including the complainant.

Prior to the hearing, the Governance Professional will have written to the complainant informing them of how the review will be conducted. The Headteacher/Head of School of the academy in question, the Chair of the LGB and the Chair of the Trust Board will also have a copy of this letter.

At the hearing, all participants will be given the opportunity to put their case across and discuss any issues. The meeting will allow for:

* The complainant to be present and accompanied at the hearing if they wish
* The complainant to explain their complaint and the individual handling the complaint to explain the reasons for their decision
* The complainant to question the individual handling the complaint, and vice versa, about the complaint
* Any evidence, including witnesses who have been prior approved by the Chair of the panel, to be questioned
* Members of the panel to question both the complainant and the individual about whom the complaint was made
* Final statements to be made by both parties involved

Neither the complainant nor TCAT will bring legal representation to this hearing, unless in exceptional circumstances, where this will be agreed beforehand. A member of staff who may be a witness to the complaint can bring a union representative or legal representative if desired; this will be agreed before the hearing.

The purpose of the hearing will be reconciliation and ensuring that things that may have gone wrong are corrected.

The complainant will receive a written response explaining the panel’s findings and recommendations within 15 school days. This letter will also explain whether there are any further rights of appeal and to whom they need to be addressed.

The panel will make findings and recommendations, and a copy of those findings and recommendations will be made available for inspection on the academy premises by the Trust Board and the Headteacher/Head of School.

Where relevant, the person complained about will receive a summary of the panel’s findings and recommendations. They will also receive a copy of the minutes, subject to any necessary redactions under the Data Protection Act 2018 and the UK GDPR.

**Complaints to the ESFA**

If a complainant has exhausted TCATs complaints procedure, they will be advised that they can submit a complaint to the ESFA via their webpage or by writing to:

Complaints Team

Education and Skills Funding Agency

Cheylesmore House

Coventry

Quinton Road

Coventry

CV1 2WT

**Resolving complaints**

At each stage of the complaints procedure, TCAT is committed to resolving the complaint. Where appropriate, TCAT will acknowledge that the complaint is upheld in whole or in part, and may offer one of the following:

* An explanation
* An admission that the situation could have been handled better
* An assurance that TCAT will try and ensure the incident will not occur again
* An outline 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 changes will be made
* An undertaking to review TCAT policies in light of the complaint
* An apology

**Withdrawal of a complaint**

Where a complainant wishes to withdraw their complaint, TCAT will ask them to confirm this in writing. Despite the complaint having been withdrawn, TCAT and our academies will still take the complainant’s voice seriously and attempt to avoid causing similar distress to others in the future. TCAT and our academies will not under any circumstances ask or pressure an individual to withdraw a complaint.

**Record keeping**

A written record will be kept of all complaints that are made, regardless of the stage at which they are resolved, including any action taken by TCAT as a result of those complaints, whether they are upheld or not.

All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or an inspectorate requests access to them.

Academies are data controllers in their own right and must decide for themselves how long to keep records, unless statutory regulations apply, e.g. attendance records must be kept for 3 years. TCAT will retain records of complaints and related documents in line with the Data Protection Policy and Records Management Policy. Personal data will only be kept for as long as necessary.

# Interviewing witnesses

When interviewing pupils to gather information regarding a complaint, the interview should be conducted in the presence of another member of staff or, in the case of serious complaints, e.g. where the possibility of criminal investigation exists, in the presence of their parents. All pupils interviewed will be made fully aware of what the interview concerns and their right to have someone with them.

TCAT will ensure that the conduction of interviews does not prejudice an investigation by the LA Designated Officer (LADO) or the police.

TCAT understands the importance of ensuring a friendly and relaxed area which is free from intimidation. Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager. The interviewer will not express opinions in words or attitude, so as to not influence the interviewee. The interviewee will be invited to sign a copy of the transcription of the interview. Should they decline to sign the transcript this will be noted on the document.

# Recording a complaint

A written record shall be kept of any complaint made, whether made via phone, in person or in writing, detailing:

* The main issues raised, the findings and any recommendations
* Whether the complaint was resolved following an informal route, formal route or panel hearing
* Actions taken by TCAT as a result of the complaint (regardless of whether the complaint was upheld)

All records are made available for inspection on the academy premises by TCAT.

TCAT holds the right to use recording devices, where appropriate, to ensure all parties involved are able to review the discussions at a later date. Where there are communication difficulties or disabilities, TCAT may provide recording devices to ensure the complainant is able to access and review the discussions at a later point.

Recording devices will not be used without the prior consent of **all** parties.

Where TCAT allows complainants to record meetings, the following will be considered:

* How any decision to allow recordings may affect any third parties called to act as witnesses
* The impact and consequences on the individuals involved in the complaint in the event that recordings are lost or leaked

TCAT will not accept as evidence any recordings that were obtained covertly and without the informed consent of all parties being recorded.

Details of any complaint made shall not be shared with the entire Trust Board. The exception to this is when a complaint is made against the whole Trust Board and they need to be aware of the allegations made against them to respond to any independent investigation.

Complainants have a right to access copies of these records under the UK GDPR and the Freedom of Information Act 2000. TCAT will hold all records of complaints from each academy, as well as those regarding TCAT itself. Correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection requests to access them.

# Exceptional circumstances

The ESFA expects complainants to have completed the TCATs complaints procedure before directing a complaint to them. The exceptions to this include when:

* Pupils are at risk of harm
* Pupils are missing education
* A complainant is being prevented from having their complaint progressed through the TCATs complaints procedure
* The ESFA has evidence that TCAT is proposing to act or is acting unlawfully or unreasonably

If a social services authority decides to investigate a situation, the Trust Board may postpone the complaints procedure.

# Managing unreasonable complaints

TCAT is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. TCAT will not normally limit the contact complainants have with TCAT itself or any of our academies; however, TCAT does not expect staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

For the purposes of this policy, **“unreasonable complaints”** include:

* Vexatious complaints, which:
	+ Are obsessive, persistent, harassing, prolific, or repetitious
	+ Insist upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
	+ Insist upon pursuing meritorious complaints in an unreasonable manner
	+ Are designed to cause disruption or annoyance
	+ Demand for redress which lacks any serious purpose or value
* Serial or persistent complaints, which:
	+ Are duplicated, sent by the same complainant once the initial complaint has been closed
	+ Are new complaints that are submitted additionally, as part of an existing open complaint, by the same complainant

A complaint may also be regarded as unreasonable when the complainant:

* Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
* Refuses to cooperate 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 they expect to be taken into account and commented on, or 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 TCATs complaints procedure has been fully and properly implemented and completed, including referral to the ESFA
* Seeks an unrealistic outcome
* Makes excessive demands on 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

A complaint may also be considered unreasonable if the complainant:

* Acts maliciously or aggressively
* Uses threats, intimidation or violence
* Uses abusive, offensive or discriminatory language
* Knows the complaint to be false
* Uses falsified information
* Publishes unacceptable information in media such as social media websites and newspapers

The above applies regardless of the method the complaint is made, e.g. face-to-face, by telephone, in writing or electronically.

Complainants should limit the number of communications with TCAT 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 member of staff, Local Governor or Trustee leading the response to a complaint will discuss any concerns with the complainant informally before applying an ‘unreasonable’ marking.

Serial or persistent complaints will only be marked as ‘serial’ once the complainant has completed the complaints procedure. It is the complaint that will be marked as ‘serial’, meaning the complainant can complain about a separate issue if necessary.

If the behaviour continues, the individual handling the complaint will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact TCAT or any of our academies causing a significant level of disruption, TCAT may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.

A decision to stop responding will only be considered in circumstances where the following statements are true:

* Every reasonable step has been taken to address the complainant’s concerns
* The complainant has been given a clear statement of TCATs position and their options
* The complainant contacts TCAT or any of our academies repeatedly, making substantially the same points each time

If the above criteria are met, in making a decision to stop responding, TCAT will also consider if the complainant is often abusive or aggressive in their communication, makes insulting personal comments about or threats towards staff, or if TCAT believes their intent is to disrupt or inconvenience TCAT or our academies.

TCAT will not stop responding to a complainant on the basis that they are difficult to deal with or they ask complex questions.

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 banning an individual from the premises.

# Complaints campaigns

Where TCAT becomes the subject of a complaints campaign from complainants who are notconnected with TCAT, a standard, single response will be published on the TCAT website and those of our academies where appropriate.

If TCAT receives a large number of complaints about the same subject from complainants who areconnected to TCAT, e.g. parents, each complainant will receive an individual response.

If complainants remain dissatisfied with TCATs response, they will be directed to the ESFA.

# Barring from the premises

TCAT premises are private property and therefore any individual may be barred from entering the premises.

If an individual’s behaviour is cause for concern, the Headteacher/Head of School of the relevant academy will ask the individual to leave the premises.

The Headteacher/Head of School will notify the Executive Headteacher/CEO of a proposed ban, and will notify the parties involved in writing, explaining that their implied licence for access to the premises has been temporarily revoked and why, subject to any representations that the individual may wish to make. The individual involved will be given the opportunity to formally express their views regarding the decision to bar them.

This decision to bar will be reviewed by the Chair of the Trust Board, taking into account any discussions following the incident. If the decision is made to continue the bar, the individual will be contacted in writing, informing them of how long the bar will be in place, and when the decision will be reviewed.

Anyone wishing to make a complaint regarding a barring order can do so in writing, including via email, to the Headteacher/Head of School, the Executive Headteacher/CEO or the Chair of the Trust Board.

# Standard of fluency complaints

As members of a public authority, all staff are subject to the fluency duty imposed by the Immigration Act 2016, which requires staff members to have an appropriate level of fluency in English in order to teach pupils.

TCAT is free to determine the level of spoken communication necessary in order for staff members to develop effective performance, but it will be matched to the demands of the role in question.

TCAT will be satisfied that an individual has the necessary level of fluency appropriate for the role they will be undertaking, whether this is an existing or potential new member of staff.

If a member of the TCAT community feels that a staff member has insufficient proficiency in spoken English for the performance of their role, they are required to follow the ’Complaints procedure’ outlined in this policy.

For the purpose of this policy, a **“legitimate complaint”** is one which is about the standard of spoken English of a member of staff; complaints regarding an individual’s accent, dialect, manner or tone of communication are not considered legitimate complaints. All legitimate complaints regarding the fluency duty will be handled in line with the processes detailed in this policy.

In addition to the processes outlined in this policy, TCAT will assess the merits of a legitimate complaint against the necessary standard of spoken English fluency required for the role in question.

To assess the merits, the TCAT academy at which the staff member works will undertake an objective assessment against clear criteria set out in the role specification or, against the level of fluency descriptors relevant to the role in question.

If the complaint is upheld, TCAT will consider what action is necessary to meet the fluency duty. This may include:

* Specific training
* Specific re-training
* Assessment
* Redeployment
* Dismissal

Appropriate support will be provided to staff to ensure that they are protected from vexatious complaints and are not subjected to unnecessary fluency testing.

Records of complaints regarding fluency will be kept in accordance with the processes outlined in the ‘Recording a complaint’ section of this policy.

# Transferring data

When a pupil changes school, the pupil’s educational record will be transferred to the new school and no copies will be kept.

TCAT will hold records of complaints separate to pupil records while a complaint is ongoing, so that access to these records can be maintained.

Information that TCAT retains relating to a complaint will be stored securely and in line with our Records Management Policy.

# Availability

A copy of this policy will be made available on request. It will also be published on the TCAT website, and the websites of individual TCAT academies, as recommended by the ESFA.

# Monitoring and review

This policy will be reviewed in line with the published schedule at the front of this document and at any point material changes require it by the Executive Headteacher/CEO and the Chief Finance Officer in conjunction with the Trust Board, Local Governing Bodies and Headteachers/Heads of School. Any changes made to the policy will be amended by the Executive Headteacher/CEO and will be communicated to all members of staff. All staff are required to familiarise themselves with this policy as part of their induction programme.

The next scheduled review date for this policy is 31st December 2025.

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| Signed by: |
|  | Executive Headteacher/CEO | Date: |  |
|  | Chair of Trust Board | Date: |  |