

Three Counties Academy Trust



Complaints Policy and Procedure

#GN9

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Common abbreviations and acronyms

AA	Admissions Authority	GPA	Government Procurement Arrangement
AAI	Adrenaline Auto-Injector (Epi Pen)	HASH	Herefordshire Association of Secondary Heads
ACM	Asbestos Containing Materials	HBV	Honour Based Violence
AFH	Academies Financial Handbook	HR	Human Resources
AHT	Assistant Headteacher	H&S	Health and Safety
AIR	Attendance Intervention Reviews	HoS	Head of School
APIs	Application Programme Interfaces	HSE	Health and Safety Executive
BAME	Black, Asian and Minority Ethnic Backgrounds	ICO	Information Commissioners Office
BCP	Business Continuity Plan	IHP	Individual Healthcare Plan
BFR	Budget Forecast Return	IRMS	Information and Records Management Society
CAMHS	Child and Adolescent Mental Health Services	IWF	Internet Watch Foundation
CEO	Chief Executive Officer	KCSIE	Keeping Children Safe in Education
CFO	Chief Financial Officer	KS1/2/3/4	Key Stage 1/2/3/4
CIF	Condition Improvement Fund	LAC	Looked After Child
CIN	Child in Need	LADO	Local Authority Designated Officer
CLA	Children Looked After	LGB	Local Governing Body
CMIE	Child Missing in Education	LLC	Low-Level Concerns

COO	Chief Operating Officer	LSA	Learning Support Assistants
COSHH	Control and Substances Hazardous to Health	MASH	Multi-Agency Safeguarding Hub
CP	Child Protection	MAT	Multi-Academy Trust
CPD	Continuing Professional Development	MFA	Multi-Factor Authentication
CSCS	Children's Social Care Services	MFL	Modern Foreign Language
CSE	Child Sexual Exploitation	NCSC's	National Cyber Security Centres
CTIRU	Counter-Terrorism Internet Referral Unit	NPQEL	National Professional Qualification in Executive Leadership
CWD	Children with Disabilities	PA	Persistent Absence
DBS	Disclosure and Barring Service	PAN	Published Admission Number
DDSL	Deputy Designated Safeguarding Lead	PECR	Privacy and Electronic Communications Regulations
DfE	Department for Education	PEP	Personal Education Plan
DHT	Deputy Headteacher	PEEP	Personal Emergency Evacuation Plan
DSE	Display Screen Equipment	PEx	Permanent Exclusion
DSL	Designated Safeguarding Lead	PLAC	Previously Looked After Child
DPO	Data Protection Officer	PP	Pupil Premium
EAL	English as an Additional Language	PSHE	Personal, Social and Health Education
ECT	Early Career Teacher	PSED	Public Sector Equality Duty

EHA	Early Help Assessment	PTFA	Parent, Teacher and Friends Association
EHCNA	Education, Health and Care Needs Assessment	RIDDOR	Reporting of Injuries, Diseases and Dangerous Occurrences Regulations
EHCP	Education, Health and Care Plan	RHE	Relationships and Health Education
EHE	Elective Home Education	RSHE	Relationships, Sex and Health Education
ELSA	Emotional, Literacy and Support Assistant	SALT	Speech and Language Therapist
ESFA	Education and Skills Funding Agency	SARC	Sexual Assault Referral Centre
EVC	Educational Visit Coordinator	SBM	School Business Manager
EWO	Education Welfare and Safeguarding Support Officer	SCCs	Standard Contractual Clauses
EYFS	Early Years Foundation Stage	SDQ	Strengths and Difficulties Questionnaire
FBV	Fundamental British Values	SEMH	Social, Emotional, and Mental Health
FGM	Female Genital Mutilation	SENCO	Special Educational Needs Coordinator
FOI	Freedom of Information	SEND	Special Educational Needs and Disabilities
FSM	Free School Meals	SLA's	Service Level Agreements
FTS	Find a Tender Service	STEM	Science, Technology, Engineering and Maths
GAG	General Annual Grant	TA	Teaching Assistant
GDPR	General Data Protection Regulation	TCAT	Three Counties Academy Trust
GIAS	Get Information about Schools	VSH	Virtual School Headteacher

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
- 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 may delegate a member of the school SLT to be the first point of contact during the complaints procedure for any complaint dealt with at Stage 1 of this 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 Board may delegate an appropriate person to be the first point of contact during the complaints procedure for any complaint at Stage 1 of this procedure. Complaints taken to Stage 2 will be administered by the Executive Headteacher/CEO unless the complaint relates to the Executive Headteacher/CEO in which case the Chair of the Trust Board will appoint a suitable person to lead on the complaint. All complaints taken to Stage 3 are conducted by a panel of the Trust Board or in the case of a complaint against the Trust Board itself an independent investigation constituted by the Governance Professional comprising at least 3 members, 1 of whom must be independent of involvement with TCAT.

NB. Where the term “parent” or “parents” is used this includes those who act as carers or have parental responsibility.

1. Legal framework

This policy has due regard to all relevant legislation and statutory and non-statutory 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 (DPA)
- HM Government (2016) 'Code of Practice on the English language requirement for public sector workers'
- DfE 'Best practice guidance for academies complaints procedures'
- DfE 'Academy trust handbook 2025'

Where legislation has been passed or updated during the shelf life of this policy, we will always apply the latest version available irrespective of the version quoted here.

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

- Behaviour Policy
- Records Management Policy (FI2)
- Data Protection Policy (FI20)
- Admissions Policy Trust Level (Year specific) (GN1)
- Suspension and Exclusion Policy (GN18)
- Grievance Policy and Procedures (HR4)
- Whistleblowing Policy (HR25)
- Child Protection and Safeguarding Policy and Procedures (SG1)

Central TCAT policies have the policy number identified, e.g. "SG1". Where no policy number is identified this indicates the policy is a school specific policy available from an individual TCAT school's website.

2. 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.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use formal stages of the complaints procedure. Any concerns will be taken seriously, and every effort will be taken to resolve the matter as quickly as possible.

If an individual has difficulty discussing a concern with a particular staff member, TCAT will respect the views of this individual. In these cases, the person managing the complaint will refer the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

TCAT understands, however, that there will be occasions where people would prefer to raise their concerns formally. In this case, TCAT will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

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 or very similar complaints received from the complainant or their 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 DfE, as outlined in 'The role of the DfE' 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 DfE’s definition of independence.

3. 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 (with the exception of complaints relating to delayed admission)** – referred to the appeals process outlined in the Admissions Policy Trust Level (Year specific)
- **Child protection** – referred to safeguarding procedures outlined in the Child Protection and Safeguarding Policy and Procedures
- **Suspension or 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 Staff Code of Conduct and Disciplinary Policy and Procedure
- **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
- **Withdrawal from the curriculum** – referred to separate complaints procedure dealing with parents or carers withdrawing their child from any aspects of religious education, including the Daily Act of Collective Worship

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

Complainants are requested to make complaints in writing. Where a complaint is made via the telephone or in person, a written record of the complaint will be made at the time the complaint is made. 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. Complaints must be raised within three-months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. Complaints made outside of this time frame will be considered 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.

If other bodies are investigating aspects of the complaint, e.g. the police or LA safeguarding teams or tribunals, this may impact on TCATs 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 this happens, the concerned individual(s) will be informed of a proposed new timescale.

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

Complaints about TCAT staff, Governors or Trustees

Complaints against staff, excluding the Headteacher/Head of School of a TCAT academy will:

- Be dealt with in the first instance by the Headteacher/Head of School of the academy via the Clerk to the LGB. We request that such complaints are written and marked as private and confidential
- Follow the complaints procedure, including a panel hearing where applicable

Complaints that involve or are about a Headteacher/Head of School of a TCAT academy will:

- Be dealt with by the Chair of the LGB of the academy via the school office. We request that such complaints are written and marked as private and confidential
- Follow the complaints procedure, including a panel hearing where applicable

Complaints against any individual Trustee or the whole Trust Board will:

- Be made to the Governance Professional to the Trust Board, via the TCAT Central Office. We request that such complaints are written and marked as private and confidential
- Involve an independent investigation and/or panel hearing where applicable

Complaints against the Chair of the Trust Board, will:

- Be made to the Governance Professional, who will appoint an appropriate person to investigate the complaint. We request that such complaints are written and marked as private and confidential

Complaints against the Executive Headteacher/CEO or a Trustee of the Trust Board, will:

- Be addressed to the Chair of the Trust Board, via the TCAT Central Office. We request that such complaints are written and marked as private and confidential
- Follow the complaints procedure, including a panel hearing where applicable

Complaints against a member of the TCAT Central Team will:

- Be made to the Executive Headteacher/CEO or the Chief Finance Officer. We request that such complaints are written and marked as private and confidential
- Follow the complaints procedure, including a panel hearing where applicable

Complaints against TCAT will:

- Be made to the Executive Headteacher/CEO. We request that such complaints are written and marked as private and confidential
- Begin with stage two of the 'Complaints procedure' outlined in this policy, i.e. via a formal, written complaint
- Follow the complaints procedure, including an independent investigation and/or panel hearing where applicable

Anyone requiring help in raising a complaint can contact the TCAT Central Office. It is also possible to ask a third-party such as Citizens Advice for help.

4. 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
- Respecting confidentiality

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 or their nominated person
- For complaints against Headteachers/Heads of School of TCAT academies, the investigator will be the Chair of the LGB or their nominated person
- 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 or their nominated person
- For complaints against Trustees, the investigator will be the Chair of the Trust Board or their nominated person
- 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 members of the Central Team, the investigator will be the Executive Headteacher/CEO or the Chief Finance Officer or their nominated person
- For complaints against the Executive Headteacher/CEO, the investigator will be the Chair of the Trust Board or their nominated person

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
- Conducting interviews with an open mind and being prepared to persist in the questioning of those involved
- 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, and should be seen to be so
- 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

Panel members will also be aware that 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. It will be considered in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee will give the parent the opportunity to say which parts of the meeting, if any, the child needs to attend. The parent, however, will be advised that agreement might not always be possible if the parent wishes the child to attend a part of the meeting that the panel considers is not in the child's best interests.

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
- Ensure that both parties are asked, via the Clerk, to provide any additional information relating to the complaint by a specified date in advance of the meeting
- Provide copies of any written material or evidence to everyone in attendance of the meeting, ensuring that everyone has seen the necessary material provided that it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or UK GDPR
- Be mindful that, if a new issue arises, everyone should be given the opportunity to consider and comment upon it, and that this may require a short adjournment of the meeting.
- Continuously liaise with the Clerk to ensure the procedure runs smoothly
- Help to provide the support necessary where the complainant is a child

The Clerk is the contact point for the complainant and the panel and will:

- Ensure that the complainant is fully updated at each stage of the procedure
- Ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the DPA and the UK GDPR
- Set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- Collate any written material relevant to the complaint and send it to the parties in advance of the meeting within an agreed timescale
- Record the proceedings, maintaining accurate and up-to-date records

- Liaise with staff members, Headteacher/Head of School, Executive Headteacher/CEO, Chair of the Trust Board, or the Clerk to ensure the smooth running of the complaints procedure
- Be aware of issues regarding sharing third party information and additional support. This may be needed by complainants when making a complaint, including interpretation support or where the complainant is a child or young person
- Circulate the minutes of the meeting
- Notify all parties of the panel's decision

The role of the DfE

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 DfE will not overturn TCATs or the panel's decision about a complaint or re-investigate the original complaint. The DfE 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 DfE on whether they are acting reasonably and lawfully; however, they will not be able to advise on how to resolve the complaint.

5. 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

- Fairly investigated, by an independent person where necessary
- Used to address all relevant 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 (stage 1)
- **Formal** – where the complaint is put in, or recorded in writing to TCAT (Stage 1 and Stage 2)
- **Panel hearing** – where the panel includes at least three people who were not directly involved in the matters detailed in the complaint and at least one person who is independent of the management and running of TCAT (Stage 3)

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 at the TCAT Central Offices where the complaint is against TCAT as a whole or a member of the Trust Board.

Informal complaint (Stage 1)

It is to be hoped that most concerns can be expressed and resolved on an informal basis.

Concerns should be raised with either the class teacher, subject head, member of SLT or the Headteacher/Head of School. Complainants should not approach individual Local Governors to raise concerns or complaints. They have no power to act on an individual basis, and it may also prevent them from considering complaints at Stage 3 of the procedure.

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 10 days, before moving to Stage 2 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.

At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal written response within 10 school days of the date of receipt of the complaint.

In line with DfE 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 response, the person managing the response to the complaint will inform the complainant about the next level of the procedure.

Formal complaint (Stage 2)

Formal complaints must be made in or recorded in writing and following the complaint having been handled at Stage 1 where the complainant remained dissatisfied with the outcome of their complaint.

Stage 2 of the process will be completed within 15 school 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.

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 or their nominated person will discuss the issue with the staff member in question. Where necessary, the Headteacher/Head of School or their nominated person 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 or their nominated person, 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 3. A request to escalate to Stage 3 will be made to the Governance Professional within 10 school days of the end of Stage 2, i.e. communication of an outcome. To ensure integrity, should the Governance Professional be the subject of the complaint or believe a conflict exists, they may consult with the Trust Board to engage an external provider to fulfil their role at Stage 3.

Panel hearing (Stage 3)

Where the complaint progresses to Stage 3, 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. The independent panel member will have no clear connection with that academy and is independent of the management and running of TCAT.

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 Executive Headteacher/CEO, 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. The committee can uphold the complaint in whole or in part or dismiss the complaint in whole or in part. If the complaint is upheld in whole or in part, the committee will decide on the appropriate action to be taken to resolve the complaint and where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

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.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

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.

Complaints to the DfE

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

Complaints Team
Department for Education
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.

6. 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.

7. 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.

8. Exceptional circumstances

The DfE expects complainants to have completed 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 DfE 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.

9. 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 DFE
- 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.

10. Complaints campaigns

Where TCAT becomes the subject of a complaints campaign from complainants who are not connected 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 are connected 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 DfE.

11. 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.

12. 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.

13. 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 DfE.

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 in collaboration with the Board appointed Trustee, the Trust Board and Executive and Senior Leadership.

Any changes made to the policy will be amended by the Executive Headteacher/CEO and will be communicated to Executive Leaders, the TCAT Central Team and to Headteachers/Heads of School, who, in turn, will alert school-based staff.

The next scheduled review date for this policy is 8th February 2027.

Signed by:

_____ Executive Headteacher/CEO

Date: _____

_____ Board appointed Trustee

Date: _____