



Tollbar MAT
Family of Academies

COMPLAINTS POLICY

Date reviewed:	May 2021	
Approved by:	CEO	May 2021
Next review due by:	May 2022	

TFA

This Policy applies to any matter (other than matters relating to admissions and exclusions which have their own processes) which has been raised with any constituent academy as a matter of concern.

It is a precondition to the operation of this Policy that the complainant shall have made reasonable attempts to seek an informal resolution and shall have acted in relation to the matter in a reasonable and measured way. The Chair of Governors of the Academy Local Governing Body shall have a discretion, which will be exercised reasonably, not to allow a complaint to be pursued where this precondition has not been met. The complainant can expect acknowledgement after 5 school days of sending their complaint and will receive a response and outcome within 15 school days.

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

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

The first stage of the formal procedure will be as follows:-

1. The complainant must put the complaint in writing, addressed to the Principal, setting out briefly the facts and stating what it is that the complainant considers should have been done or where the Academy has not met reasonable expectations.
2. An investigation will be carried out by a member of the Senior Leadership Team –including the Principal - who will speak to the relevant people involved including the complainant if required.
3. The investigator will put her/his findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within 15 school days receipt of the letter of complaint. These records should include whether the complaint was resolved at this stage or whether they proceeded to a panel hearing. The panel will provide a copy of the findings to the person complained about. The Academy will also have copies available on their premises ready for inspection. A written record of all complaints made will be kept regardless of whether they are upheld. This will include
 - i. Whether they are resolved following a formal procedure, or proceed to a panel hearing; and
 - ii. Action taken by the Academy as a result of those complaints (regardless of whether they are upheld).

Any complaint relating to the Principal of a Constituent Academy must be raised in the first instance with the CEO who will, if an informal resolution cannot be reached investigate in the same way as in the first stage of the formal process outlined above.

Any complaint relating to the Chief Executive must be raised in the first instance with the Chair of the Board of Directors (or Vice-chair in the absence of the Chair) who will, if an informal resolution cannot be reached, designate a Director to investigate in the same way as in the first stage of the formal process outlined above.

The second stage of the formal procedure (if required) will be as follows:-

1. If the complainant is not satisfied with the response of the investigator, he/she may request that the complaint be considered by the Complaints Committee of the Trust Board. That request must be in writing, addressed to the Clerk to the Board, within 10 school days of the response being sent to the complainant and must set out briefly the reasons why the complainant is dissatisfied with the response.
2. The Clerk will invite the Academy to put in writing its response to the complainant's reasons. The Academy will do this within 15 school days and at the end of that period (whether or not the Academy has responded) the Clerk will convene a meeting of the Complaints Panel of the Board. The Panel appointed will consist of at least three people who were not directly involved in the matters detailed in the complaint. Moreover, one panel member shall be independent of the management and running of the school. A parent may attend the hearing and be accompanied if they wish. That meeting will be held as quickly as practicable given the need to find a date that is reasonably convenient for the complainant, the Academy and the members of the Panel. Whenever possible, the meeting will be held within 15 school days of the end of the Academy's response time.
3. The meeting is not a court case and will be as informal as circumstances allow. The complainant will have the opportunity to summarise his/her reasons for dissatisfaction but may not introduce reasons that were not previously put in writing. The Academy will have the opportunity to explain its position and Panel members will be able to ask questions. The complainant will have the opportunity to make final comments to the Panel. This will include action taken by the Academy as a result of those complaints (regardless of whether they are upheld).
4. The Panel will make findings and recommendations as quickly as is reasonably practicable, aiming to do so within 10 school days, the Clerk to the Board will notify the complainant and where relevant the person complained about in writing of these. A written record of all complaints made will be kept regardless of whether they are upheld. This will include action taken by the Academy as a result of those complaints (regardless of whether they are upheld). The findings and recommendations will also be available for inspection on the Academy premises.

At any meeting, the complainant will be entitled to be accompanied by a friend but legal representation will not be allowed.

At any meeting of the Complaints Committee it is not within their remit to hear appeals, but to ensure the proper adherence to the Complaints Policy and procedures.

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

The ESFA will not normally reinvestigate the substance of complaints or overturn any decision made. They will consider whether the Trust has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed Part 7 of the Education (Independent Schools Standards) Regulations 2014.

The complainant can refer their complaint to the ESFA online at www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit
Education and Skills Funding Agency
Cheylesmore House
5 Quinton Road
Coventry
CV1 2WT