



**THE COMPLETE
EDUCATION SOLUTION**

CREATING UNIQUE JOURNEYS FOR LIFE AND LEARNING

Complaints Policy

Approved by the TCES Operational Board
On behalf of Thomas Keaney, CEO and Schools' Proprietor

Date of next formal review, January 2023

This policy applies to all The Complete Education Solution
(TCES) schools and services

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'Take all complaints seriously. Don't let small concerns become big ones.'
NAHT Handbook for School Leaders

This Policy is for Parents/Carers, Pupils, Staff members and Stakeholders.

What Constitutes a Complaint?

The Independent School Standards and the Department for Education do not distinguish between 'concerns' and 'complaints'. Any matter about which a parent of a pupil is unhappy and seeks action by the School is a complaint and is in the scope of this Policy whatever the School labels it as.

Introduction

In TCES Group we recognise that everyone occasionally makes mistakes. What is important, however, is that when mistakes are made there is a clear and fair approach to putting things right again. The company's stance on complaints is so vital to our ethos of openness, transparency and the importance of the voice of the pupil, parent/carers, stakeholders and staff that we have employed a dedicated company complaint lead to ensure that the process empowers people to use their voice when things go wrong.

The aim of this Complaints Policy is to ensure that every parent/carers, pupil and Stakeholder involved in TCES Group understands this policy and has access to a procedure that supports and enables them to raise concerns or complain about any aspect of the school or services.

Staff members who have concerns or complaints relating to their contract or employment or employee relationships, are expected to raise these through the school staff grievance policy and procedure. Any other concern or complaint should be raised through this complaints procedure.

The TCES Group Complaints Policy will:

- be easily **accessible** and **publicised**;
- be **simple** to understand and use;
- be **impartial**;
- be **non-adversarial**;
- allow **swift** handling with established **time-scales** for action and keep people informed of the progress;
- ensure a full and **fair** investigation by an independent person where necessary;
- respect people's desire for **confidentiality**;
- address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary;
- provide **information** to the TCES Group so that services can be improved.

Aims and objectives of the policy

This complaints policy aims to:

- Encourage the resolution of concerns by informal means wherever possible;
- Ensure that concerns and complaints are dealt with quickly, fully and fairly and within clearly defined time scales;
- Provide effective responses and appropriate redress;
- Maintain good working relationships between all people involved with the school.

Who is allowed to complain?

This policy may be used by anyone (except staff whose concern or complaint is about their contract of employment or employee relationships) that has a concern or complaint about any aspect of the school. This includes but is not limited to: stakeholders, pupils or the parents or carers of the school's pupils, but may include the County Council, partner agencies, neighbours of the school, or any other members of the local community.

Monitoring complaints

At all stages of the formal complaints procedure, the following information will be recorded:

- The name of the complainant;
- The date and time at which complaint was made;
- The details of the complaint
- The desired outcome of the complainant;
- How the complaint is investigated (including written records of interviews held);
- Results and conclusions of investigations;
- Any action taken;
- The complainant's response (satisfaction or further pursuit of complaint).

The **Head Teacher** will be the responsible person for maintaining a record of complaints and ensuring that all school pupils, parents/carers and staff, are aware of and comply with this policy, work closely with company complaints lead, provide leadership and vision in respect of equality and provided guidance and support to all staff. The only instance where the Head Teacher will NOT be responsible for logging complaints is if the complaint is made against the Head Teacher.

In this instance, the complaint will be dealt with by the Schools' Proprietor acting in liaison with the company complaints lead. The company complaints lead does not replace the very important ownership of the role of the Head Teacher; however, they do form a very important quality assurance part of the process on behalf of the Schools' Proprietor.

Upholding or not upholding complaints

At each stage of the complaints procedure, the conclusion will be either:

- That the complaint is upheld (in part or in full) and, where appropriate, some form of action is taken. Or
- That the complaint is not upheld and reasons for this are clearly given.

Publicity and communication

It is a legal requirement to publicise our complaints procedures.

This policy will be included within the School's information in many ways:

- information will be given to new parents when their child joins the school
- information will be given to pupils at the school or home visit prior to admission • home school bulletins and/or newsletters will remind parents/carers about the policy
- information will be published on the school's website.

All staff of TCES Group will be made aware of the complaints procedure and the various stages involved. At all stages of the complaints procedure, everybody involved will be clear about what is happening and what their responsibilities are.

Written records will be kept as evidence of procedures followed. In addition, the complainant will be told how to proceed to the next stage of the procedure when their complaint is not upheld.

Initial Concerns

At the outset of any concern being raised, the difference between a concern and a complaint will be identified. We believe that taking informal concerns seriously at the earliest stage will reduce the numbers that develop into complaints.

We understand that concerns are often caused by simple mistakes or misunderstandings, or thoughts and feelings that have not been aired or acknowledged and we anticipate that these and other issues can be quickly and informally resolved through improved communication and immediate response. At other times, or if a concern is not resolved to the complainant's satisfaction, it may be necessary to use the formal complaints procedure. It is important that this choice is always available.

We ask that staff where possible staff are able to resolve issues on the spot, including apologising where appropriate. In addition, it may be appropriate to offer one or more of the following: an explanation; an admission that the situation could have been handled differently or better; an assurance that the event of concern will not recur;

an explanation of the steps that have been taken to ensure that it will not happen again.

Who to speak to informally

Individuals can raise concerns with a member of the school administrative staff, class teacher, senior leader or Head Teacher depending on their wishes and the type of issues they want to discuss.

Monitoring

A brief note of all such issues will be kept.

Time scales

There are no specific time scales for dealing with concerns at this stage. However, as at all stages, issues will be considered and dealt with as quickly and effectively as possible.

Response

The individual who raised the concern or complaint will be informed of any action to be taken to resolve the issue and if appropriate, in writing.

Formal Procedures

If a Stakeholder, pupil or parent/carer is dissatisfied at the outcome of discussing a concern, they can make a complaint. At TCES Group, we treat **ALL** complaints as formal, no matter how small. We will follow the same rigorous procedure for all complaints received, and we aim to resolve each one with a satisfactory resolution.

The **Head Teacher** is the School's nominated member of staff with responsibility for the operation and management of the school complaints procedure.

The Head Teacher must ensure, when they investigate complaints, that they:

- establish **what** has happened so far, and **who** has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary)
- clarify what the complainant feels would put things right
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- conduct the interview with an open mind and be prepared to persist with questioning
- keep detailed notes of the interview.

Complainants will be encouraged to state what actions they feel might resolve the problem at any stage during the resolution of the complaint.

This procedure will identify areas of agreement between the parties and clarify any misunderstandings that may have occurred to ensure a positive atmosphere in which to discuss any outstanding issues. Our first action will always be to ensure, from the outset, that everyone involved with TCES Group is given a copy of the Complaints Form and has the procedure fully explained to them.

We recognise that it is essential to be open to criticism or complaint from any source and that only by being open to criticism or complaints can we hope to improve our service and the attainment of the pupils we teach. Therefore, we welcome concerns and complaints.

The Steps in the Complaints Process **are outlined below in detail:**

- 1.** When a complaint is made it must always be recorded in the 'Complaints Folder', to show the date and time of the complaint being made; the name of the person making it; the nature of their complaint; any response required/given; and the name of the person(s) dealing with it and the complaint reference number based upon the date the complaint is received, the name of the person dealing with it, the name of the education site involved and the initials of the person making the complaint. **For example:** Complaint reference number - 300904/PR/site name/CI. Details of any complaint must always be carefully recorded, along with any supporting information such as to whom the complaint was made or evidence in support of the complaint. Administration staff must be informed that a complaint has been made, and a complaints checklist must be immediately opened. This must then be completed at every stage of the complaint process.
- 2.** Information about any complaint made must be passed immediately to the Head Teacher (or their deputy in their absence) for them to make an initial assessment and to monitor how complaints are being handled. This information should also be forwarded to the company complaints lead to be logged onto an historical complaints database for auditing purposes.
- 3.** A decision must also be made at this stage as to how and when to inform any third party who may be the subject of the complaint.
- 4.** The reference number and name of person dealing with the complaint must be given to the person making the complaint within **24 HOURS or 1 WORKING DAY** of the complaint being received.
- 5.** The matter should then be looked into and responded to, if not in full, within **5 WORKING DAYS**, providing written details of how the matter has been dealt with or the timescale during which it will be investigated and fully addressed.

6. A written record will be kept throughout of all communication and actions planned or taken, so that the progress of any investigation can be monitored. The records will indicate whether the complaint was resolved satisfactorily at the preliminary stage or preceded to the next stage.
7. Company complaints lead working on behalf of the Schools' Proprietor provides a high level of independence.
8. If the response is not accepted by the complainant, the stages of the complaint process are followed below:

The Stages of the Complaint for the Complainant:

Stage One:

Within 24 hours' (1 working day) from receipt of your complaint, the complainant will be contacted and given a reference number. A full response will be provided to the complainant by the Head Teacher within five working days, if it is felt that the response may take longer due to the investigation, the complainant will be contacted and will receive a response within ten working days. The process of investigation and response should not exceed 10 working days (within term time) except in rare and exceptional circumstances, if there are rare and exceptional circumstances, we will extend the investigation process by a further 15 working days. It is essential throughout that the Complainant is kept fully informed of the progress of their complaint.

Stage Two:

Should the matter then remain unresolved to the Complainant's satisfaction, they have the right to appeal the outcome, within 20 working days or 4 weeks of the full response being received. The complaint will be reviewed and addressed by the Executive Head, who will address the complaint in full. The complainant will be informed of this stage with an acknowledgement letter within 24 hrs and a response provided in 5-10 working days.

Stage Three:

The complainant may still require further resolution and therefore at this stage the complaint will be reviewed by the Director of Integrated Services. The complainant will be informed of this stage with

an acknowledgement letter within 24hrs and a full response provided to the complainant in 10 working days.

Stage Four:

If the complainant remains dissatisfied with the complaint response, the Schools Proprietor will review the complete process, the investigation and the responses to date and provide a resolution to the complainant. This may involve holding a meeting with the complainant. The complainant will be informed of this stage with an acknowledgement letter within 24hrs and a response provided to the complainant within 10 working days.

Stage Five:

If the complainant remains dissatisfied and feels they have not had a satisfactory response, or their concerns have not been addressed or resolved fully, the complaint will be reviewed by a panel including School Governors and an independent representative. The school will ensure that, where there is a panel hearing of a complaint, one member is independent of the management and running of the school. The complainant will be informed of this stage with an acknowledgement letter within 24hrs, the letter will identify the date of the meeting to be held within 15 working days.

Confidentiality

Confidentiality is vital. All conversations and correspondence will be treated with discretion. Complainants have the right to know what use will be made of personal information and accordingly, personal information will only be shared between staff on a 'need to know' basis. All complaint correspondence will be kept confidentially in the Head Teacher's office and the company complaints lead will keep all complaints in a locked cupboard and on a central database with access only rights for complaints lead and Schools Proprietor.

(The exception to this is the requirement of the school to provide parents and other interested parties with information about the number of complaints registered under the formal procedure during the preceding year, and to inspectors conducting inspections under section 162A of the education act 2002, as amended by schedule 8 of the education act 2005, or to the Secretary of State, should they ask for such records.)

Equal access, accompaniment and representation

Steps will be taken to ensure that any individual has the opportunity to raise their concerns or submit a complaint. **This includes the right to be accompanied or represented by a friend or relative**

at discussions /or to submit complaints which have been written by another individual on their behalf. Should any meeting need to be held where any parties would have difficulties in terms of access, the head teacher and company complaints lead will assist with providing an appropriate venue.

It is an expectation that equal respect will be granted to each person involved within the process and that differences between people will be respected and understood.

Time between stages

Although each of the stages within the procedure should occur consecutively, it is not necessary for each stage to immediately follow the last. Complainants may need some time to decide whether they wish to pursue the matter any further.

After each stage, the complainant and the individual who is dealing with their complaint at that time will agree an appropriate time scale within which the next stage should be accessed, if at all. If the complaint is not submitted to the next stage within this agreed time scale it will be considered as closed.

Changes to time scales and deadlines

In general, the time scales and deadlines contained within this policy will be adhered to. However, in certain circumstances it may be inappropriate or impossible to guarantee that this is possible. Where a complaint leads to criminal proceedings this will always be the case.

If and when it becomes necessary to alter the time scales and deadlines set out within this policy, the complainant will be told and given an explanation as to why this has been the case.

Appeals

If at any stage, as the result of a complaint, a decision or course of action is taken with regards to an individual (apart from the complainant) which they feel is ungrounded, unjustified or incorrect they have the right to appeal. The School's complaints procedure will facilitate this.

Summary

This policy sets out the procedures which the school and TCES Group will follow whenever it receives a complaint. A summary of the various stages is given below:

Primary Responsibility:

- Informal discussion and resolution Informal Stage - **School Staff**
- Complaint made followed by investigation by Head Teacher – **Head Teacher**
- Complaint not resolved following the schools response- **Executive Head – Safeguarding Lead**
- Complaint remains unresolved - **Company Complaints Lead** • Complaint remains unresolved - **Schools Proprietor**
- Complaint response unsatisfactory – **Governors.**

Complaints not in scope of the procedure

This complaints procedure covers all complaints about any provision of facilities or services that a school provides with the **exceptions** listed below, for which there are separate (statutory) procedures.

Who to contact

Exceptions

- Admissions to schools Concerns in relation to admissions, assessments and school
- Statutory assessments of Special reorganisation should be raised direct with Local Authorities Educational Needs (SEN) (L.A).
- School re-organisation proposals
- Matters likely to require a child In relation to child protection the TCES Group Safeguarding protection investigation process and procedure will be followed.
- Exclusion of children from school Information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.
- Whistleblowing See TCES Group whistleblowing policy and procedure for employees and voluntary staff. The DfE is also a prescribed body for whistleblowing in education.
- Staff grievances and disciplinary These matters will invoke the TCES Group grievance procedures procedures. Complainants will not be informed of the outcome of any investigation.
- Complaints about services Providers should have their own complaints procedure to deal provided by other providers who with complaints about service. They should be contacted may use school premises direct.

Issues related to child protection, criminal investigations and employee grievances will be handled separately from this policy.

This complaints policy is distinct from formal staff disciplinary proceedings and this should be made clear to all concerned. There may be occasions where a complaint gives rise to disciplinary procedures which put the complaints process on hold. If and when this occurs, the complainant should be informed. Any non-disciplinary aspects of the complaint should continue to be dealt with through the usual complaints procedures. If another policy is more appropriate than this complaints policy for any given situation then it should be used in preference to it.

Complaints Policy – Guidance and Sources

Introduction

This policy has been developed after consulting:

- The Education (Independent School Standards) (England) Regulations 2003 Standard 7(a – l)
- DfE School Complaints Procedure Guidance;
- The best practice of County Councils;
- 'Running a Complaints System' (The Local Government Ombudsman);
- Advisory Centre for Education; DfE School Government Team 2

The key principles of the policy - Legal context

From September 2003, under Section 29 of the Education Act 2002, it is stated that schools must have in place a procedure to deal with complaints.

Web link: <http://www.legislation.hmsso.gov.uk/acts/acts2002/20032>

The School Standards and Framework Act 1998 provides an additional function to establish and publish procedures for dealing with complaints relating to the school, other than those covered by legislation and formal procedures elsewhere.

Web link: <http://www.opsi.gov.uk/ACTS/acts1998/1998031.htm>

The Independent School Standard - In accordance with paragraph 32(1) (b) of Schedule 1 to the Education (Independent School Standards) Regulations (2014),

The policy should be read in conjunction with the following TCES Group policies:

- TCES GROUP' Safeguarding policy (currently individual by school)
- TCES GROUP' Positive Behaviour Support and Promoting Good Behaviour Policy
- TCES' Group Diversity and Equal Opportunities policy
- TCES GROUP' e-Safety/Acceptable Use/ICT policy
- TCES Group Whistleblowing Policy

Malicious and Vexatious Complaints Policy and Procedure

Overview

TCES Group is committed to dealing with all stakeholders fairly, ensuring we provide high quality services, and a clear, and timely response when they contact us. The TCES Group Complaints Policy & Procedure is enforced to ensure that this is the case.

However, in certain cases people may pursue their complaints in a way that is unreasonable. They may behave unacceptably or be unreasonably persistent in their contacts and submission of information. This can impede investigating their complaint (or complaints by others) or otherwise disproportionately impact on the operational capacity of the school. These actions can occur either while their complaint is being investigated, or when the complaint investigation is finished.

Values & Principles

TCES Group is committed to responding with patience and sympathy to the needs of all our stakeholders, including when they have a complaint.

In order to distinguish between complainants who, make a number of complaints with good cause, because they really think things have gone wrong, and those who are unreasonably complaining without sufficient cause; the school will:

consider each complaint on its own terms, and decide whether it is genuine or malicious and/or vexatious evaluate each written or spoken submission

ensure that, if someone has made malicious and/or vexatious complaints in the past, it is not assumed that any subsequent complaint from them also falls into this category

TCES Group cannot commit significant time responding to unreasonable complainant behaviour but will try to avoid inflaming any already difficult situation. TCES Group will exercise judgement on the best way of handling each case.

Aim

This Policy & Procedure outlines how TCES Group aims to ensure a proportionate approach when responding to complaints and complainant behaviour. It supports staff (including volunteers and associates) to understand clearly what is expected of them, what options for action are available, and who can authorise these actions.

Scope

This Policy & Procedure covers unreasonable complainant behaviour, which may include one or two isolated incidents, as well as unreasonably persistent behaviour, which is usually a build-up of incidents or behaviour over a longer period.

How do we identify which complaints are malicious and/or vexatious?

For the purpose of this policy, malicious and/or vexatious complaints are those which, because of the nature or frequency of the complainant's contacts, impede the school's consideration of their or other people's complaints or otherwise disproportionately impact on the operational capacity of the school.

Single incidents may be unacceptable in themselves, but more often the difficulty is caused by unreasonably persistent behaviour that is time consuming to manage and interferes with proper consideration of the complaint.

The following are examples of some of the actions and behaviours which TCES Group considers malicious and/or vexatious (this list is not exhaustive):

- Refusing to specify the grounds of a complaint, despite offers of help.
- Refusing to cooperate with the complaints investigation process.
- Refusing to accept that certain issues are not within the scope of a complaints procedure.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure.
- Making unjustified complaints about staff who are trying to deal with the issues, and/or seeking to have them replaced.
- Systematically harassing or bullying staff.
- Changing the basis of the complaint as the investigation proceeds.
- Denying or changing statements he or she made at an earlier stage.
- Introducing trivial or irrelevant new information at a later stage.
- Raising many detailed but unimportant questions, and insisting they are all answered.
- Submitting falsified documents from themselves or others.
- Several complainants pursuing parallel complaints on the same issue or one complainant pursuing parallel complaints on the same issue with various multi-agencies
- Making excessive demands on staff time and resources with lengthy phone calls, emails to numerous staff or detailed letters every few days; and expecting immediate responses.
- Submitting repeat complaints with minor additions / variations which the complainant insists make these 'new' complaints.
- Refusing to accept the decision; repeatedly arguing points with no new evidence.

Responsibilities

The Head Teacher has ultimate responsibility for the implementation of the provisions of this policy; they are responsible for the management of the school and for ensuring that the appropriate mechanisms are in place to support an open, fair and proportionate response to complainants.

The Schools' Proprietor will consider and approve the option for action to be taken for malicious and/or vexatious complaints.

The Senior Leadership Team will manage the operational implementation of this policy & procedure, advising the Schools' Proprietor of their findings and suggesting an appropriate course of action; external advice will be sought as necessary

All Staff (including volunteers and associates) have a responsibility to ensure that complaints relating to TCES Group are handled appropriately; complaints received, whether written or spoken, should be escalated to a line manager in the first instance.

Monitoring & Review

Complaints will be centrally monitored and summary information will be permanently retained / archived.

This Policy & Procedure will be reviewed annually to ensure it remains fit for purpose and compliant with current legislation and best practice.

PROCEDURE

Policy Implementation

Considerations Prior to Taking Action under the Policy

Prior to taking action under this policy the Senior Leadership Team (SLT) must conduct a thorough review of the complaint and be satisfied that:

- the complaint is being or has been investigated properly

- any decision reached on it, is the right one
- communications with the complainant have been adequate based on the Values and Principles quoted, and
- the complainant is not now providing any significant new information that might affect the school's view on the complaint.

Designating a Complaint as Malicious and/or Vexatious

The SLT will decide when a complaint is to be designated as 'malicious and/or vexatious'. They will base this decision on whether the nature and/or frequency of the complainant's contacts, is impeding the school's consideration of their or other people's complaints, or otherwise disproportionately impacting on the operational capacity of the school.

Options for Action

Where the complaint has been designated as malicious and/or vexatious, the SLT will suggest appropriate options for action to Schools' Proprietor and external advice will be sought as necessary.

The Schools' Proprietor will consider and agree the option/s proposed prior to any action being taken; if relevant, an appropriate time limit on any restrictions will also be agreed.

Any actions taken by TCES Group should be proportionate to the nature and frequency of the complainant's current contacts. The following options may be suitable, taking the complainant's behaviour and circumstances into account:

- Placing limits on the number and duration of contacts with staff per week or month.
- Offering a restricted time slot for necessary calls.
- Limiting the complainant to one medium of contact (telephone, letter, email etc.).
- Requiring the complainant to communicate only with one named member of staff.
- Requiring any personal contacts to take place in the presence of a witness and in a suitable location.
- Refusing to register and process further complaints about the same matter.

Managing Complainant Contacts

Having designated a complaint as malicious and/or vexatious and decided on appropriate option/s for action (e.g.: restricted access), the SLT will send the complainant a formal letter, which will include a copy of the policy and will explain:

- that this represents the full and final decision in respect of the raised complaint
- why the decision has been taken
- what it means for their contact with the school
- how long any restrictions will last

In order to ensure ongoing complainant contacts are managed, the SLT may also decide to adopt one or more of the following approaches:

- setting up a strategy meeting to agree a school-wide approach
- informing all relevant staff that contact with a named complainant is being restricted
- appointing a key officer to coordinate the school's response(s).

Where a full and final decision on the complaint has been reached and communicated, the complainant will be told that future correspondence will be read and placed on file, but not acknowledged unless it contains new information. A designated member of staff will be identified who will read future correspondence to pick up any significant new information.

Recording Feedback and Learning from Complaints will be managed in accordance with Complaints Policy & Procedure.