



# Complaints Procedure

## Adoption Arrangements and Date

All statutory policies in the Trust are ultimately the responsibility of the Trust Board. To enable it to discharge this responsibility appropriately and in collaboration with the constituent schools, the Trust Board will

1. either set a full Trust wide policy,
2. or set a 'policy principles' document (a framework within which LGBs develop a full and appropriately customised policy),
3. or delegate to LGBs the power to develop their own policy which the Trust Board will then ratify.

<b>Review Body:</b>	<b>Board of Trustees</b>	<b>Adopted:</b>	<b>23.03.17</b>
<b>Leadership Grp Responsibility:</b>	<b>CEO</b>	<b>Date of next review:</b>	<b>March 2020</b>
<b>Policy Type:</b>	<b>Statutory</b>	<b>Review period:</b>	<b>3 years</b>

**Approved by LGB:**                   \*\*\*\*\*

**This is a Level 2 Policy against the Trust Governance Plan.**

This procedure was adopted by the Board of Trustees of Tenax Schools Trust, for implementation in all Trust academies on the date above and supersedes any previous Complaints Procedure [Only those elements highlighted in red font should be adapted to specific school procedures. ].

# Complaints Policy

The Tenax Schools Trust aims to provide a high quality educational experience for every student, which not only provides good teaching, leading to good examination results, but also a rounded school experience with particular emphasis on personal development, inspired by Christian belief and values. We also recognise that, despite these aspirations and a strong record of success in most areas of the school's life and mission, occasionally things can go wrong and parents or members of the public may need to make a complaint or raise concerns.

All complaints received will be recorded formally by the school in a central log. It should be noted that school does not normally consider complaints made more than one year after the incident or situation. If a complaint is made about an issue that is over a year old the school will write to the complainant explaining. The exception to this is in the case of allegations of illegal activity, which will be reported to the appropriate authorities regardless of elapsed time.

## **Complaints from people who are not parents of students at the school (members of the public)**

The Headteacher will respond to complaints from members of the public within 8 school working days of receipt. Note that school working days excludes school holidays. These complaints should be addressed in writing to the Headteacher. If the complainant is not satisfied by the response, which may be in writing directly, or may involve a meeting with the complainant before a written response, the complainant may refer it to the Chair of Governors of the Local Governing Body (LGB) and the Trust Board as set out below.

## **Complaints from parents – informal stage**

Most complaints or issues can be resolved informally and quickly by discussion with the class teacher. If the situation is not resolved to the parents' satisfaction as a result of such discussion, parents can write to the Headteacher outlining the issue clearly.

Any complaint or issue that is put in writing should be written clearly outlining all the issues and what it is hoped that the preferred outcome should be. All complaints will be acknowledged in writing within 5 school working days from receipt.

Parents should make an appointment to discuss their concerns with the member of staff who knows about the issue or incident. If the complaint relates to a student, this would normally be the class teacher, who is the principal channel of communication between the school and parents. If the complaint relates to the class teacher, the complaint should be addressed to the Headteacher. If in doubt, the Headteacher is always able to direct an informal complaint to the most appropriate recipient. If parents want to have a meeting with the class teacher (or other recipient of the complaint) they should ask for that in their complaint. When the meeting takes place, the member of staff will usually write notes during the meeting. Parents can ask for a copy of these notes. If the complaint involves the actions or decisions of another member of staff, it is not usually appropriate to have that person present at the initial meeting. It is for the class teacher to address the issue with the member of staff about whom the complaint may be being made.

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Adopted by the Trust Board: 18.5.17

This is a Level 2 policy

## **Complaints from parents – formal stage**

### **Formal Stage 1 – Headteacher**

If a parent is still dissatisfied after the informal stage, they, or the class teacher, can refer the matter to the Headteacher. This should be done in writing, as this will often make the situation clear to all involved parties. Formal written complaints which relate to incidents or sequences of incidents which occurred more than 12 months before the date of the written complaint will not normally be investigated with exception of allegations of illegal activity, which will be reported to the appropriate authorities regardless of elapsed time

The Headteacher may consider that the complaint should be addressed in writing, or may contact the complainant by telephone to ascertain more details. Often, she will offer a meeting with the parent or other complainant at a mutually convenient time. At the meeting, and through discussion, the Headteacher will clarify what the issues are. What the parent hopes to achieve will also be discussed. Together all parties will aim to agree an acceptable outcome, if possible. This should be to the satisfaction of all parties involved. These should be written down so there is no misunderstanding. This will normally be done in the form of a letter to the complainants following the meeting or other conversations.

If the issue is complex the Headteacher may need to speak to other staff and students to investigate the concerns. This should happen within 10 school working days. If this timescale cannot be met the Headteacher should inform the parent that this will take longer, explain the reasons for this and give a timescale for when the investigation will be completed.

### **Formal Stage 2 – Chair of the Local Governing Body**

After speaking or meeting with the Headteacher, if the complaint is still not resolved to the parent's satisfaction, the complaint can be referred to the Chair of Governors. This should be in writing to the chair at the school address, for the attention of the Clerk to the Local Governing Body. The Headteacher can also refer the complaint to the Chair of Governors.

If the Headteacher is the subject of the complaint, the complaint should go straight to the Chair of Governors and miss out Stage 1. The Chair of Governors may ask for the complaint to be put in writing (if this has not already happened).

The Chair of Governors will offer to meet with the parent or other complainant, at a mutually convenient time, if it is felt more information is required, or if the parent asks for a meeting. The Chair of Governors has 15 school working days to investigate the complaint. If it cannot be resolved within this time, the chair will inform the complainant and explain why it is taking longer. Reasons for this may be that the complaint is complex and needs more time or someone involved is absent through sickness or holidays. The Chair of Governors should, however, give a realistic timescale for when the complaint should be resolved. The Chair of Governors should inform the complainant of when it is expected that the investigation should be completed.

### **Formal Stage 3 – Trust Board**

If the complaint is still not resolved to the parent's satisfaction, or the Chair of Governors feels that it is necessary, she can refer the complaint to the Trust Board for them to consider the complaint. If the Chair of Governors can resolve the complaint, there is no need to make this referral. Referral to the Trust Board is the last resort in otherwise completely intractable situations.

The Chair of the Trust Board can appoint an investigating officer to gather evidence and conduct preliminary interviews on the Board's behalf. The investigating officer will provide a detailed report of their investigation of the complaint, and the complainant should be given a copy of this report. It is important that the investigating officer is seen as impartial. So, whilst the investigating officer may be another governor, they cannot be a member of the Trust Board.

The committee of the Trust Board considering the complaint should meet at a time convenient to all parties. The complainant, the Headteacher, the Chair of Governors and any member of staff the complaint is about will be invited to the meeting. Any person invited can bring a friend or supporter if they wish. The committee of the Trust Board will consider any written material, provided in advance of the meeting and also give the person making the complaint and the Headteacher, Chair of Governors and staff an opportunity to state their case and to question others present. The committee of the Trust Board will ensure that all present are treated fairly. The meeting will be minuted by the Clerk and everyone present will be given a copy of the minutes.

The committee of the Trust Board will give its decision, in writing, within five school working days after the meeting, along with the reasons for their decision.

### **Final Stage**

A parent who is not satisfied with the outcome of a complaint once the formal stage has concluded may take the complaint to a panel of at least three persons without any prior involvement in the complaint, one of whom will be independent of the running and management of the school. If a parent wishes to take a complaint to this stage they should notify the school in writing within 6 months after the conclusion of the formal stages outlined above, and the Trust will take the necessary steps to convene a panel which complies with these requirements and a decision will be provided within 15 school working days where possible.

Beyond the final stage, parents may consider the Department for Education's document on complaining about academies which is available at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/557407/Complain\\_about\\_an\\_academy.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/557407/Complain_about_an_academy.pdf)

## **Resolving Complaints**

At each stage in the complaint, schools and complainant will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition it may be appropriate to offer one or more of the following: a) An apology; b) An explanation; c) An admission that the situation could have been handled differently or better; d) An assurance that the event that was the basis of the complaint will not recur; e) An explanation of the steps that have been taken to ensure it does not happen again. Details of any disciplinary procedures that have taken place as a result of the complaint are not released; f) An undertaking to review school policy or procedure in light of the complaint; g) An explanation that there is insufficient evidence and thus the complaint cannot be upheld; h) An explanation that, following investigation, the concern is not substantiated by the evidence.

An admission that the school/Trust could have handled things better is not the same as an admission of negligence.

## **Unreasonable Complainants**

Our Trust is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The school defines unreasonable complainants as ‘those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people’s complaints’.

### **Examples: A complaint may be regarded as unreasonable when the person making the complaint:**

- 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 co-operate 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 the complainant expects 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 the school’s complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;

- makes excessive demands on school 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 person making the complaint does so either face-to-face, by telephone or in writing or electronically:**

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school 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 Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school causing a significant level of disruption, the school may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

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 school premises.

### **Barring from the School Premises**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Headteacher or the CEO can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing. The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Headteacher or CEO. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

### **Anonymous complaints**

An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances. These would include serious concerns such as child protection issues or bullying allegations, where the school might consider it appropriate to contact outside agencies.

### **Monitoring and review**

The Trust Board monitors the complaints procedure, in order to ensure that all complaints are handled properly. All complaints received by the school should be recorded and details of how they were resolved. These logs are presented to Local Governing Bodies as part of the Headteacher's report.

The Trust Board can take into account any local or national decisions that affect the complaints process, and make any modifications necessary to this policy. This policy is made available to all parents, so that they can be properly informed about the complaints process. This policy is reviewed as necessary at meetings of the Trust Board.