

**TRINITY ACADEMY NEWCASTLE TRUST**

**Complaints Policy**

**Approved by the Committee – November 2018**

**On behalf of the Board**

**Next Review Date – November 2019**

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## 1. Aims

Our Trust aims to meet its statutory obligations when responding to complaints from parents of learners within the Trust, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the school website.

## 2. Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school. It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

This policy complies with our funding agreement and articles of association.

### 3. Definitions and scope

The DfE guidance explains the difference between a concern and a complaint.

A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”.

The school will resolve concerns through day-to-day communication as far as possible.

A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.

The school intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

Arrangements for handling complaints from parents of children with SEN about the school's support are within the scope of this policy. Such complaints should first be made to the [\[class teacher/special educational needs co-ordinator \(SENCO\)/headteacher\]](#); they will then be referred to this complaints policy. Our [\[SEN policy and information report\]](#) includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

## 4. Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The school expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

## 5. Stages of complaint (not complaints against the CEO or a governor)

### Stage 1: informal

The school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the head of school either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office.

The school will acknowledge informal complaints within [5] days, and investigate and provide a response within [10] days.

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The informal stage will involve a meeting between the complainant and the [relevant member of staff or the head of school and/or the subject of the complaint, if appropriate].

If the complaint is not resolved informally, it will be escalated to a formal complaint

## **Stage 2: formal**

The formal stage involves the complainant putting the complaint into writing, usually to the CEO and/or the subject of the complaint. This letter should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

The CEO (or other person appointed by the CEO for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within [20] days.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the chair of governors in writing within [5] days.

## **Stage 3: review panel**

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.

The panel will be appointed by or on behalf of the proprietor and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the school. The panel cannot be made up solely of governing board members, as they are not independent of the management and running of the school.

The panel will have access to the existing record of the complaint's progress (see section 9).

The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

The panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

The panel must then put together its findings and recommendations from the case. The panel will also provide a copy of the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the proprietor and CEO.

The school will inform those involved of the decision in writing within [20] days.

## **6. Complaints against the CEO or a governor**

### **Complaints against the Chief Executive Officer (CEO)**

If a complaint is about the conduct of the Chief Executive Officer (CEO), the Chair of the Board will investigate the complaint under Stage 2 of this Complaints Policy instead of the Chief Executive Officer (CEO).

The Complaints Panel will review the complaint under Stage 3 of this Complaints Policy.

### **Complaints against the Chair of the Board**

If a complaint is about the conduct of the Chair of the Board, the Chief Executive Officer (CEO) will consider the complaint under Stage 2 of this Complaints Policy, as normal, and the Complaints Panel will review the complaint under Stage 3 of this Complaints Policy.

## **7. Referring complaints on completion of the school's procedure**

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a school's decision about a complaint. However, it will look into:

- Whether there was undue delay, or the school did not comply with its own complaints procedure
- Whether the school was in breach of its funding agreement with the secretary of state
- Whether the school has failed to comply with any other legal obligation

If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

## 8. Persistent complaints

Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the chair of governors (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

- The school has taken every reasonable step to address the complainant's needs, *and*
- The complainant has been given a clear statement of the school's position and their options (if any), *and*
- The complainant is contacting the school repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

The school will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, *and/or*
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, *and/or*
- The individual makes insulting personal comments about, or threats towards, school staff

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.

### Unreasonably persistent complaints

There may be occasions when, despite a complaint being considered under all stages in this Complaints Policy, the Complainant persists in making the same complaint to the Trust. There may also be occasions when a Complainant raises unreasonable persistent complaints or raises complaints about matters which do not affect them. There may also be occasions when a complaint is made about a matter which is clearly so trivial that it would be a waste of the Academy's resources to deal with it under the formal stages of the procedure.

In all of these cases, the Trust reserves the right to regard the complaint as vexatious and/or repeated and to refuse to investigate it under the procedure in this Complaints Policy, if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.

Where the Trust decides that a complaint is vexatious and/or repeated and will not be investigated, the Trust will write to the Complainant within **five Trust days** of the complaint being raised to notify them of the decision.

If the Complainant is unhappy with the decision not to investigate a vexatious and/or repeated complaint, they may write to the Complaints Panel to ask for the decision to be reviewed. The Complaints Panel will be provided with all documentation relating to the current complaint and any previous complaints which were relevant to the decision, together with the letter from the Trust to the Complainant, and will review the decision not to investigate the complaint. The Complaints Panel will **not** investigate the complaint itself during this review.

The clerk for the Complaints Panel will write to the Complainant with the outcome of the review within **ten Trust days** of the date that the letter from the Complainant seeking the review was received.

If the Complaints Panel quashes the decision not to investigate the concern or complaint, it will be referred to the Trust to be dealt with under the procedure in this Complaints Policy in the usual way.

If the Complaints Panel upholds the decision not to investigate the concern or complaint, the Complainant may refer the concern or complaint to the Education Funding Agency using the procedure stated towards the end of this Complaints Policy.

### **Anonymous Complaints**

The Trust will not investigate anonymous complaints under the procedure in this Complaints Policy. Anonymous complaints will be referred to the Chief Executive Officer (CEO) who will decide what, if any, action should be taken.

## **9. Record-keeping**

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

A full written record will be maintained centrally at the Trust of all complaints resolved under Stage 2 & 3.

Records of complaints will be destroyed when the learner to which they relate reaches the age of twenty four years or, in the case of a learner with a statement of special educational needs, until the learner reaches the age of thirty years.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.

Where the governing board is aware of the substance of the complaint before the review panel stage, the Trust will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.

## 10. Learning lessons

The [governing board] will review any underlying issues raised by complaints with the [CEO], where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

## 11. Monitoring arrangements

The [governing board] will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The [governing board] will track the number and nature of complaints, and review underlying issues as stated in section 10.

The complaints records are logged and managed by [HR Officer].

This policy will be reviewed by [finance, audit and resource committee] every [year].

At each review, the policy will be approved by [the full governing board].

## 12. Links with other policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report

## Appendix 1 – Formal Complaint Form

Please complete and return to the Trust who will acknowledge receipt and explain what action will be taken.

Your Name:	Learner's Name:
Your Relationship to Learner:	Learner's DOB and Tutor Group:
Address and Postcode:	Daytime Telephone Number:
	Evening Telephone Number:
Full details of complaint (including the names of all persons involved and the dates of incidents referred to):	
What action, if any, have you already taken to try and resolve your complaint (for example, who did you speak to and what was the response)?	
What actions do you feel might resolve the problem at this stage?	
Are you attaching any paperwork? If so, please give details.	
<b>Signature:</b>	<b>Date:</b>
<b>For Official Use:</b>	
<i>Date Acknowledgement Sent:</i>	
<i>Name of Person Complaint Referred To:</i>	
<i>Signature:</i>	<i>Date:</i>

**Signed on behalf of the Board:**

A handwritten signature in black ink, appearing to read "P. J. Carter". The signature is written in a cursive style with a long horizontal stroke extending to the right.

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**Peter Carter (Chairperson of the Board)**

**Date: November 2018**