



**Tudhoe Learning Trust**

**Guidance & Procedures**  
**for**  
**Dealing with Complaints**

**Approved by:** Kimberley Ivory **Date:** September 2018

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## Background

All academies and multi-academy trusts are required to have procedures for dealing with complaints that meet the standards set out in the Education (Independent School Standards (England) Regulations 2014 Schedule 1 Part 7. In October 2000 The Human Rights Act came into force, and schools should be mindful to give consideration to Article 6, “The Right to a Fair Trial”. All schools must have a published complaints procedure.

Our complaints policy seeks to comply with the following obligations as set out in Schedule 1 Part 7 of The Education (Independent School Standards (England) Regulations 2014. Our Trust Complaints Policy:

- (a) is in writing;
- (b) is made available to parents of pupils;
- (c) sets out clear time scales for the management of a complaint;
- (d) allows for a complaint to be made and considered initially on an informal basis;
- (e) where the parent is not satisfied with the response to the complaint made in accordance with sub-paragraph (d), establishes a formal procedure for the complaint to be made in writing;
- (f) where the parent is not satisfied with the response to the complaint made in accordance with sub-paragraph (e), makes provision for a hearing before a panel appointed by or on behalf of the proprietor and consisting of at least three people who were not directly involved in the matters detailed in the complaint;
- (g) ensures that, where there is a panel hearing of a complaint, one panel member is independent of the management and running of the school;
- (h) allows for a parent to attend and be accompanied at a panel hearing if they wish;
- (i) provides for the panel to make findings and recommendations and stipulates that a copy of those findings and recommendations is–
  - (i) provided to the complainant and, where relevant, the person complained about; and
  - (ii) available for inspection on the school premises by the proprietor and the head teacher;
- (j) provides for a written record to be kept of all complaints that are made in accordance with sub-paragraph (e) and–
  - (i) whether they are resolved following a formal procedure, or proceed to a panel hearing; and
  - (ii) action taken by the school as a result of those complaints (regardless of whether they are upheld); and
- (k) provides that correspondence, statements and records relating to individual complaints are to 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.

### Circumstances that are not dealt with by the Trust Complaints Policy

There are certain complaints which fall outside the remit of the Academies complaints procedure. They include:

- Matters that are the responsibility of the Trust
- Conduct of staff at the school
- Content of a statutory statement of special educational needs
- Pupil admissions
- Pupil exclusions
- The national curriculum and related issues including religious education
- Child protection

For more information about complaints of this kind please contact the Academy Headteacher or the Trust at [office@tudhoelearningtrust.co.uk](mailto:office@tudhoelearningtrust.co.uk)

The School should ensure that any third party providers offering community facilities or services through the school premises, or using school facilities, have their own complaints procedure in place.

# 1. Purpose of a Complaints Procedure

This procedure aims to reassure parents and others with an interest in the school that:

- Where possible, complaints will be dealt with informally and at the lowest possible level in school in order to reach a resolution promptly;
- Any complaint against the school will be dealt with in a fair, open and responsive way, with the aim of achieving a speedy and satisfactory resolution; and
- The school recognises that a willingness to listen to questions and criticism and to respond positively, can lead to improvements in school in practices as well as provision.

The Trust and its Academies intend to:

- encourage resolution of problems by informal means wherever possible
- be easily accessible and publicised
- be simple to understand and use
- be impartial
- be non-adversarial
- allow swift handling with established time-limits for action and keeping people informed of the progress
- ensure a full and fair investigation by an independent person where necessary
- respect people's desire for confidentiality wherever possible
- address all the points at issue and provide an effective response and appropriate redress, where necessary

# 2. Investigating Complaints

An investigatory officer will be appointed to lead an investigation. The investigatory Officer will investigate the complaint ensuring 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 in the questioning
- keep notes of the interview

# 3. Resolving Complaints

At each stage in the procedure schools 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:

- an apology
- an explanation
- an admission that the situation could have been handled differently or better
- It would be useful if complainants were encouraged to state what actions/outcome they feel might resolve the problem at any stage
- An admission that the school could have handled the situation better is not the same as an admission of negligence

- an assurance that the event complained of will not recur
- an explanation of the steps that have been taken to ensure that it will not happen again
- an undertaking to review school policies in light of the complaint

An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

## 4. Recording Complaints

Schools should record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, in writing (email). An example of a complaint form can be found in Appendix 1. At the end of a meeting or telephone call, it would be helpful to ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record.

## 5. Monitoring the Policy

The Trust Complaints Policy is reviewed regularly and monitored using the number and range of complaints received, how these were dealt with and any action taken. The monitoring and review of complaints can be a useful tool in evaluating the school's performance.

## 6. Complaints about the Headteacher

Where it is clear that a complaint is against the Headteacher the matter has to be referred immediately to the Executive Headteacher who, acting as *line manager*, will be responsible for dealing with the matter.

It is not always clear if the complaint is against the Headteacher given they are responsible for all operational decisions across the school even if made by other staff. In most cases complaints raise concerns around the conduct of the Headteacher. In any event, advice from the Trust should be sought.

## 7. Time Limits

Complaints need to be considered, and resolved, as quickly and efficiently as possible. An effective complaints procedure will have realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

The time limits are set using school working days i.e. excluding school holidays.

At each stage it is helpful to clarify exactly who will be involved, what will happen, and how long it will take. There may, on occasion, be the need for some flexibility, for example, the possibility of further meetings between the complainant and the person investigating the complaint.

## 8. Competency and Training

All staff involved in the handling of complaints to either The Trust or to one of its academies will be sufficiently senior to enable them the authority and jurisdiction to investigate thoroughly and oversee a fair and transparent process. All staff receive regular, relevant professional training to enable them to be adequately skilled, capable and fully apprised of the statutory obligations required of the organisation and the individuals within it. We strive to deliver the highest standard of service provision possible and we are passionate about what we do. However, we recognise that sometimes things go wrong and whilst every effort is made to minimise the likelihood of this when it does happen we will do all we can to put things right.

## **9. Conduct and Behaviour**

We have very high standards of conduct, behavior and expectations from our staff. We treat all of our stakeholders with courtesy and care. In return we expect the same. We work extremely hard to provide our pupils, parents, visitors, governors and third party professionals with an outstanding experience of primary education. We want our academies to be welcoming safe places of respect, tolerance and inclusion for all. We will not tolerate aggressive, violent or abusive behaviour from anyone and we take a zero tolerance approach to this type of behaviour.

## **10. Confidentiality**

This policy may be used by parents normally as a framework to resolve matters however we recognise that other stakeholders may wish to use this process. We are mindful of our legal obligations in respect of the General Data Protection Regulations 2018 and will ensure that we collect, store and dispose of sensitive and personal data securely. We expect that complaints maintain the same high standards of confidentiality. We will only retain data that is essential and necessary and only for as long as we need to except in cases where safeguarding is an issue. Where there are any safeguarding concerns we will retain data securely indefinitely.

## **11. Complaints Policy - Procedure**

### **Stage 1. Informal Stage - Complaint heard by staff member**

It is in everyone's best interest that complaints are resolved at the earliest possible stage and as quickly as possible. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. Therefore, if staff are aware of the policy they will know what to do should they receive a complaint.

If the member of staff involved feels too compromised to deal with a complaint, the complaint could be referred to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial. Where the complaint concerns the Headteacher the complainant is referred to the Executive Headteacher.

Where the first approach is made to a Director, the complainant should be referred to the appropriate person and advised of the policy. Directors should not act unilaterally on an individual complaint given that they may be required to sit on a panel at a later stage of the procedure.

The Headteacher's influence may already have shaped the way complaints are handled in the school and resolved the complaint at this stage. If the informal process has been exhausted and no satisfactory solution has been found the complainant should be advised that their complaint could progress to Stage 2 of the policy.

If the complainant is not satisfied with the response they should request that their concerns be referred to the Headteacher (if they have not already dealt with the issue). The complainant should be invited to put the complaint in writing to the Headteacher (or Executive Headteacher if the complaint is against the Headteacher) using the form attached at Appendix 1. The form should be sent to the Headteacher or Executive Headteacher, as appropriate, as soon as possible. The Executive Headteacher can be contacted via the school or [office@tudhoelearningtrust.co.uk](mailto:office@tudhoelearningtrust.co.uk). The Headteacher will seek any necessary clarification of the concerns including interviewing the complainant where this would be helpful. The Headteacher will advise the complainant of the outcome of their consideration. Other than in exceptional circumstances the Headteacher should provide a response to the complainant within 15 school days of them requesting the involvement of the Headteacher.

### **Stage 2. Formal Written Complaint heard by Headteacher**

Where the Headteacher has addressed the complaint at Stage 1 the matter should progress to Stage 3 and be heard by a panel of Directors. Where another staff member has addressed the complaint at Stage 1, the Headteacher will hear this stage.

The Headteacher should acknowledge the written complaint upon receipt and provide an opportunity to meet the complainant to discuss the complaint. At this point the Headteacher may still seek to resolve the complaint informally.

The Headteacher will investigate the complaint and a written response will normally be made within 15 school days of receipt of the complaint. If this is not possible, an extension can be agreed.

The written response will include reasons for the conclusions reached by the Headteacher, what action, if any, the school proposes to take to resolve the matter and advise the complainant of the right to request a meeting with Governors if they remain dissatisfied with the outcome.

The complainant will have 10 school days from receipt of the outcome in which to ask for an appeal.

### **Stage 3. Appeal Heard by a Committee**

The Committee can be made up of Directors of The Trust or be delegated to a Local Governing Body as

appropriate determined by the CEO.

Where a complainant has made an approach to the school through the formal stage and is not satisfied with the outcome, they should write to the Trust at [office@tudhoelearningtrust.co.uk](mailto:office@tudhoelearningtrust.co.uk) within 10 school days giving details of their concerns and asking for an appeal against the decision or action taken by the Headteacher. The Trust will seek to arrange a meeting of the appropriate Committee of the Board of Directors (who may delegate to the schools local governing body) within 20 school days.

The Committee of the Trust/school will only hear appeals that have already progressed through Stages 1 and 2 of this procedure.

As the Executive Headteacher may be involved at an earlier stage in the procedure (particularly where the complaint is about the Headteacher) it may be wise not to include them as a member of the Committee to avoid any possible challenge that the (s)he was not sufficiently impartial. There will be at least one member of the panel who is independent of the running of the school at this stage.

The Committee has the jurisdiction and delegated authority to make findings and recommendations where appropriate which will be provided to the respondent and be made available for inspection as appropriate. The Committee can:

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Decide on the appropriate action to be taken to resolve the complaint
- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

Parents may be accompanied at this stage if they wish.

This is the last stage of the complaints policy.

## 12. Notification of the Committee's Decision

The Chair will notify the outcome of the Committee hearing within 5 school days. The Chair will notify any and all of the following as appropriate:

- The complainant
- The respondent
- The Headteacher / Executive Headteacher

## 13. Further Recourse

### Secretary of State for Education

The decision of the Complaints Committee is final but if a complainant remains dissatisfied on the grounds that The Trust or one of its academies is acting or proposing to act unreasonably; or has failed to discharge its duties further representation may be made to the Education Skills and Funding Agency via this link:

[https://form.education.gov.uk/fillform.php?self=1&form\\_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form\\_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1](https://form.education.gov.uk/fillform.php?self=1&form_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1).

Contact Details: Public Communications Unit, Department for Education, Sanctuary Buildings, Great Smith Street, London, SW1P 3BT Tel 0870 000 2288 [complaints@dfes.gov.uk](mailto:complaints@dfes.gov.uk)



## 14. Vexatious Complaints

If properly followed, the complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Clerk to the Committee hearing the complaint at Stage 3 of the process is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

## 15. Special Educational Need and Disability

We have a number of policies in place to ensure that children identified as having a special educational need or disability are able to access the curriculum and school life fully. We have a strong ethos of inclusion, tolerance and respect. More information in respect of this aspect of school life can be found in our Equal Opportunities Policy, Inclusion and Accessibility Plan. Concerns and complaints relating to SEND should in the first instance be raised with either the class teacher or the SendCo within school. As with all complaints we seek to resolve issues as quickly and fairly as possible at the lowest level within school. However, if we are unable to resolve things this way then a formal written complaint should be made following the procedures set out in this policy.

Information about SEND Statements and EHCP can be found here: <https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>

Information about discrimination arising from disability can be found here: <http://www.equalityadvisoryservice.com/>

Further information and support for parents with SEND children can be found here: <http://www.durhamsendiass.info/>

## 16. ESFA

Where we are unable to resolve complaints then ultimately complainants can refer their issue to the ESFA. Information about the ESFA will handle a complaint can be found here <https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy> as well as an enquiry form.



## Complaint Form

**Your name:**

**Pupil's name:**

**Name of School:**

**Your relationship to the pupil:**

**Address:**

**Postcode:**

**Day time telephone number:**

**Evening telephone number:**

**Please give details of your complaint:**

**What action, if any, have you already taken to try and resolve your complaint.  
(Who did you speak to and what was the response)?**

**What actions do you feel might resolve the problem at this stage?**

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**

## Procedure for Hearing the Complaint

### Introduction

The aim of the meeting is to resolve the complaint and achieve reconciliation between the school and the complainant.

### Order of Meeting

1. The Chair welcomes the complainant and asks those present to introduce themselves.
2. The Chair explains the purpose of the meeting, the procedure, and checks that all written evidence has been made available to all parties.
3. The complainant explains their complaint, calling witnesses if appropriate.
4. The Committee and Headteacher may ask questions of the complainant and witnesses.
5. The Headteacher is then invited to present a response to the complaint, including action taken to address the complaint at stages 1 and 2 of the procedure, calling witnesses, if appropriate.
6. The Committee and complainant may ask questions of the Headteacher.
7. The Headteacher summarises the schools position, highlighting evidence, including anything that has emerged in the questioning.
8. The complainant summarises their case, highlighting evidence, including anything that has emerged in the questioning.
9. The Chair of the Committee checks that all parties feel that they have had a fair hearing and reminds everyone of the confidentiality of the case.
10. The Chair of the Committee thanks both parties for attending and gives an indication of when they can expect to hear the outcome. All parties then leave the room together.
11. The Committee considers the complaint and reaches a unanimous or majority decision. Where necessary, the Committee decides what action to take to resolve the complaint and, if appropriate, recommends changes to ensure similar complaints are not made in future.
12. When a decision has been made and if agreed in advance, the Chair can inform all parties orally. In any event, all parties are informed of the outcome of the complaint in writing, within 5 school days of the hearing.



# Complaints Flowchart



**Complaint received by Trust or in school verbally or in writing**



**STAGE 1 - INFORMAL STAGE  
SCHOOL ACTION**

<p>Informal discussion with the relevant class teacher or other relevant member of staff usually resulting in resolution to the issue.</p> <p><b>If the complaint is about the Headteacher - proceed to Stage 2 *</b></p>	<p>The person is informed of the action to be taken to resolve the issue. If they are not satisfied they should be provided with a copy of the school's complaints procedure and information on how to proceed to stage 2. If the Headteacher has addressed the complaint at this stage then the matter should progress to stage 3.</p>
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**FORMAL WRITTEN STAGE  
STAGE 2 - COMPLAINT HEARD BY HEADTEACHER**

<p>The complaint is submitted, either verbally or in writing, to the Headteacher.</p>	<p>The Headteacher acknowledges receipt and provides a full written response within 15 school days. Information is provided to the complainant on how to progress the complaint to stage 3.</p>
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**STAGE 2 \* - COMPLAINT HEARD BY CHAIR OF GOVERNORS (if about the Headteacher)**

<p>A written complaint is submitted to the Chair of Governors.</p>	<p>The Chair acknowledges receipt and provides a full written response within 15 school days. Information is provided to the complainant on how to progress the complaint to stage 3.</p>
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**STAGE 3 - APPEAL HEARD BY A COMMITTEE OF THE GOVERNING BODY**

<p>Complainant writes to the Chair requesting that the complaint be heard by the Committee within 10 school days of receiving the response.</p>	<p>Chair arranges for Committee to meet within 20 school days from receipt of letter and informs the complainant of findings with 5 school days of hearing. Information is provided to the complainant on how to progress the complaint to the ESFA.</p>
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**FURTHER RECOURSE**

<p>Complainant writes to the ESFA if they feel there has been maladministration.</p>	<p>The ESFA may intervene if a Governing Body or the Trust has acted unreasonably.</p>
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