



**Tudhoe Learning Trust**

# **Guidance & Procedures**

**for**

# **Dealing with Complaints**

**Approved by:** Trust Chief Executive Officer **Date:** November 2019

**Last reviewed on:** September 2018

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## Introduction

This complaints procedure is not limited to parents or carers of children that are registered at any of our Trust school's. Any person, including members of the public, may make a complaint to Tudhoe Learning Trust or any of the schools within the Trust about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

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

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

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.

In our Trust, responsibility for reviewing and monitoring the policy has been delegated to the Trust Chief Executive Officer.

### 1. How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with either the class teacher or Head Teacher in the first instance. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual governors or Directors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at a later stage of the procedure where appropriate.

Complaints against school staff (except the Head Teacher or Chief Executive Officer) should be made in the first instance, to the relevant Head Teacher via the school office. Please mark any written concerns or complaints as Private and Confidential. Complaints that involve or are about the Head Teacher should be addressed to the Chief Executive Officer, via the Trust Office. Please mark them as Private and Confidential. Complaints that involve the Chief Executive Officer should be addressed to the Chair of Directors, via the Trust Office. Please mark them as Private and Confidential. Complaints about Governors or Directors should be addressed to the Clerk to the Trust Board of Directors via the Trust Office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

## 2. Anonymous complaints

We will not normally investigate anonymous complaints. However, the Head Teacher or the Chief Executive Officer, if appropriate, will determine whether the complaint warrants an investigation.

## 3. Remit of the Complaints Policy

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

- Matters that are the responsibility of the Trust
- Conduct of staff at the school
- Statutory assessments of special educational needs
- Pupil admissions
- Pupil exclusions
- The national curriculum and related issues including religious education and sexual relationship education
- Child protection
- Whistleblowing
- Staff grievances/disciplinary procedures
- Matters relating to Third parties

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

Trust School's 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.

## 4. Investigating Complaints

An investigatory officer may be appointed to lead an investigation as appropriate. 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

## 5. Resolving Complaints

At each stage in the procedure schools in the Trust 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 for the school/Trust to offer one or more of the following:

- an apology
- an explanation
- an admission that the situation could have been handled differently or better
- An admission that the school could have handled the situation could have been handled differently/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

## 6. Recording Complaints

Trust Schools will record the progress of the complaint and the final outcome. Where a concern or complaint has been raised verbally, at the end of a meeting or telephone call, the Head Teacher will 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 will be kept and a copy of any written response added to the record.

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 complainants 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.

## 7. Complaints about the Head Teacher

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

It is not always clear if the complaint is against the Head Teacher 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 Head Teacher. In any event, advice from the Trust should be sought.

## 8. Time Limits

Complaints will be considered, and resolved, as quickly and efficiently as possible. 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 will be clarified 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 considering the complaint.

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.

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

## 9. Audio or video evidence

Complainants should make sure they obtain informed consent from all parties present before recording conversations or meetings.

The Trust will not normally accept electronic recordings as evidence when we are asked to consider a complaint if it appears that they have been obtained covertly. However, if the written consent of all

parties has been received, we may accept recordings or independently notarized transcriptions of recordings.

## **10. Conduct and Behaviour**

We have very high standards of conduct, behaviour 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.

Although fulfilling a public function, schools are private places. The public has no automatic right of entry and the Trust needs to ensure that the school remains a safe place for pupils, staff and other members of the community.

Where an individual's behaviour is a cause for concern, they can be asked to leave school premises. In the first instance an individual will be advised to reflect on their behaviour, this advice may be followed up in writing provided along with a copy of the complaints procedure. In some cases the Head Teacher may take the decision to bar an individual from entering the school premises. If the decision is taken to bar an individual this will be confirmed in writing explaining the length of the bar and when the decision will be reviewed.

The decision to bar an individual from school premises will be reviewed by the Chief Executive Officer and/or the Directors of the Trust Board as appropriate.

## **11. Vexatious Complaints**

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 Trust may inform them in writing that the procedure has been exhausted and that the matter is now closed.

A decision may be taken not to respond to a complaint in the following circumstances:

- Every reasonable step has been taken to address the complainants concerns
- The complainant has been given a clear statement of the Trust's position and the complainants options
- The complainant has contacted the school/Trust repeatedly, making substantially the same points each time
- Letters, emails or telephone calls are often or always abusive or aggressive
- Insulting personal comments or threats are made towards staff
- The Trust has reason to believe the individual has the intention of causing disruption or inconvenience.

Alternatively, the Trust may request that the complainant asks a third party to act on their behalf such as the local Citizen's Advice.

## **12. Withdrawing a complaint**

If a complainant wishes to withdraw their complaint at any point in the procedure, they must confirm this in writing.

## 13. Complaints Policy - Procedure

### Stage 1. Informal Stage - Complaint heard by staff member or Head Teacher

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, all staff will be made aware of the policy so that 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 the Head Teacher. The ability to consider the complaint objectively and impartially is crucial. Where the complaint concerns the Head Teacher the complainant will be referred to the Chief Executive Officer.

The Head Teacher'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 will be advised that their complaint could progress to Stage 2 of the policy.

If the complaint is against the Head Teacher, they should request that their concerns be referred to the Chief Executive Officer. The complainant will be invited to put the complaint in writing to the Chief Executive Officer using the form attached at Appendix 1. The form should be sent to the Chief Executive Officer, as soon as possible. The Chief Executive Officer can be contacted via the Trust Office at [office@tudhoelearningtrust.co.uk](mailto:office@tudhoelearningtrust.co.uk). The Chief Executive Officer or the nominated investigating officer where appropriate will seek any necessary clarification of the concerns including interviewing the complainant where this would be helpful. The Chief Executive Officer may nominate an investigating officer to explore the complaint on their behalf and will advise the complainant of the outcome of their consideration. Other than in exceptional circumstances the Chief Executive Officer or the nominated investigating officer will provide a response to the complainant within 15 school days of them requesting the involvement of the Chief Executive.

Where the first approach is made to a Director, the complainant will be referred to the appropriate person and advised of the policy. Directors will 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.

### Stage 2. Formal Written Complaint heard by Head Teacher

Where the Head Teacher has addressed the complaint at Stage 1 the matter should progress to Stage 3 and be heard by the Chief Executive Officer. Where another staff member has addressed the complaint at Stage 1, the Head Teacher will hear the complaint at Stage 2.

The Head Teacher/Chief Executive Officer or their nominated investigating officer will acknowledge the written complaint upon receipt and provide an opportunity to meet the complainant to discuss the complaint. At this point the Head Teacher/ Chief Executive Officer or their nominated investigating officer may still seek to resolve the complaint informally.

The Head Teacher/ Chief Executive Officer or their nominated investigating officer 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, this may be extended.

The written response will include reasons for the conclusions reached by the Head Teacher/ Chief Executive Officer or their nominated investigating officer, what action, if any, the school/Trust proposes to take to resolve the matter and advise the complainant that they may appeal against this decision and request a meeting with the Chief Executive Officer 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.

Where the complaint has been heard by the Chief Executive Officer at Stage 2 the Appeal at Stage 3 will be heard by a panel of Governors/Directors.

### **Stage 3. Appeal Heard by the Chief Executive Officer/Panel of Governors/Directors**

Where required, the appeal panel can be made up of Directors of The Trust or be delegated to a Local Governing Body as appropriate.

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 Head Teacher or Chief Executive Officer. The Trust will seek to arrange a meeting of the appropriate panel normally within 20 school days.

The panel will only hear appeals that have already progressed through Stages 1 and/or 2 of this procedure.

There will be at least one member of the panel who is independent of the running of the school at this stage.

The Chief Executive Officer/panel as appropriate 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 Chief Executive Officer/panel as appropriate 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.

The aim of hearing a complaint at Stage 3 is to put things right that may have gone wrong and/or to conciliate parties. Parents may be accompanied at this stage for moral support if they wish.

The proceedings are not a form of legal proceedings therefore it is not appropriate for legal representation to be present.

The Trust recognizes that there are circumstances where legal representation may be appropriate. If a complainant commences legal action the complaints procedure may be suspended until those legal proceedings have been concluded.

This is the final stage of the complaints policy and concludes the complaints procedure. However, if the complainant remains dissatisfied they may wish to raise the concern with the Department for Education. See Section 15 for further information.



## **14. Notification of the Decision**

The Chief Executive Officer/Chair of the Panel will notify the complainant of the outcome of the hearing within 5 school days. The Chief Executive Officer/Chair of the Panel will also notify the respondent, Head Teacher and/or Chief Executive Officer as appropriate.

## **15. Further Recourse**

### **Department for Education**

The decision made at Stage 3 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 Department for Education.

On-line at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus) by telephone on: 0370 000 2288 or by writing to:

Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD



## 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?**

**Are you attaching any paperwork? If so, please give details:**

**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 of the hearing welcomes the complainant and asks those present to introduce themselves.
2. The Chair of the hearing 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 Panel, Chief Executive Officer and Head Teacher as appropriate may ask questions of the complainant and witnesses.
5. The Head Teacher/Chief Executive Officer 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 Panel/Chief Executive Officer and complainant may ask questions of the Head Teacher/Chief Executive as appropriate.
7. The Head Teacher/Chief Executive Officer summarises the school/Trusts 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 Hearing 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 Hearing 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 Panel/Chief Executive Officer considers the complaint and reaches a unanimous or majority decision. Where necessary, the Panel/Chief Executive Officer 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 of the hearing 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 Head Teacher - 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 Head Teacher has addressed the complaint at this stage then the matter should progress to stage 3.</p> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



**FORMAL WRITTEN STAGE  
STAGE 2 - COMPLAINT HEARD BY HEAD TEACHER/CHIEF EXECUTIVE OFFICER**

|                                                                                        |                                                                                                                                                                                                  |
|----------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>The complaint is submitted, either verbally or in writing, to the Head Teacher.</p> | <p>The Head Teacher 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> |
|----------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



**STAGE 2 \* - COMPLAINT HEARD BY CHIEF EXECUTIVE OFFICER (if about the Head Teacher)**

|                                                                         |                                                                                                                                                                                                             |
|-------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>A written complaint is submitted to the Chief Executive Officer.</p> | <p>The Chief Executive Officer 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> |
|-------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



**STAGE 3 - APPEAL HEARD BY THE CHIEF EXECUTIVE OFFICER/PANEL OF GOVERNORS/DIRECTORS**

|                                                                                                                                                  |                                                                                                                                                                                                                                                                                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Complainant writes to the Chief Executive Officer requesting that the complaint be heard within 10 school days of receiving the response.</p> | <p>Chief Executive Officer arranges a hearing normally held 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 Department for Education.</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



| <b>FURTHER RECOURSE</b>                                                                           |                                                                                 |
|---------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|
| Complainant writes to the Department for Education if they feel there has been maladministration. | The Department for Education may intervene if the Trust has acted unreasonably. |