



# Concerns and Complaints Procedure

**Approved: February 2019**

**Review Date: February 2020**

## **Links with other Policies**

When agreeing or reviewing the Complaints Policy, links should be made with other relevant policies and guidelines, including Admissions, Inclusion, Safeguarding, Whistleblowing, Equality Plan, Staff Grievances, and Staff Code of Conduct.

## 1. Aims

The Tapscott Learning Trust (hereon called 'Trust' or 'TTLT') aims to meet its statutory obligations when responding to complaints from parents of pupils at any of the schools.

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

These aims support our values in delivering an outstanding education, which we believe is the right of every child irrespective of social, economic or demographic factors.

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

The Trust 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 in every website within the Trust.

## 2. Legislation and guidance

This document meets the requirements set out in schedule 1, part 7 in 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. Who can make a complaint?

This Complaints Policy is not limited to parents or carers of children that are registered at the schools within the Trust. Any person, including members of the public, may make a complaint to a school within TTLT 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 these procedures within this Complaints Policy. This includes complaints from parents / carers of SEND, Looked After Children and Children in Need.

#### 4. 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 Trust will resolve concerns through day-to-day communication as far as possible.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, the Trust will attempt to resolve the issue internally, through the stages outlined within this Complaints Policy.

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.

It is in everyone’s interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. The Trust takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

This policy does not cover complaints procedures relating to:

- Admissions
- Inclusion
- Safeguarding
- Whistleblowing
- Staff Grievances
- Staff Code of Conduct

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

Arrangements for handling complaints from parents of children with Special Educational Needs (SEN) about the school’s support are within the scope of this policy. Such complaints should first be made to the Special Educational Needs and Disability Co-ordinator (SENDSCO); they will then be referred to this Complaints Policy. Our Inclusion Policy 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 any of the premises or facilities within the Trust should be directed to the provider concerned.

#### 5. 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 senior teacher. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual Governors 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 Stage 3 of the procedure.

Complaints against school staff (except the Head teacher) should be made in the first instance, to the Head teacher via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the Head teacher should be addressed to the Chair of the school's Local Advisory Board (LAB), via the school office. Please mark them as Private and Confidential.

Complaints about the any individual Governor of the LABs of schools should be addressed to the Chair of Trustees via the school office. Please mark them as Private and Confidential.

Complaints against the Chair of Governor/s for the LABs / Trustees should be made in the first instance, to the Chief Executive Officer (CEO) via the school office. Please mark them as Private and Confidential.

Where a complaint is against the CEO, it should be made in writing to the Chair of Trustees in the first instance. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this policy. 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.

## **6. Anonymous complaints**

We will not normally investigate anonymous complaints. However, the Head teacher / CEO / Chair of Governors for the LAB / Trustees, if appropriate, will determine whether the complaint warrants an investigation.

## **7. Timescales**

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.

## 8. Complaints received outside of term time

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

## 9. Scope of this Concerns and Complaints Policy and Procedures

This procedure covers all complaints about any provision of community facilities or services by TTLT, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs</li> <li>• School re-organisation proposals</li> </ul>	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with TTLT</p>
<ul style="list-style-type: none"> <li>• Matters likely to require a Safeguarding investigation</li> </ul>	<p>Complaints about safeguarding matters are handled under our Safeguarding Policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding.</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school*</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>. <i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i></p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistle blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>. Volunteer staff who have concerns about our school should complain through the Trust's Complaints Policy. You may also be able to complain direct to the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> <li>• Staff Grievances</li> </ul>	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> <li>• Staff Code of Conduct</li> </ul>	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>

<ul style="list-style-type: none"> <li>Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>
<ul style="list-style-type: none"> <li>National Curriculum - content</li> </ul>	<p>Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p>

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against a school within the Trust in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

## 10. 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.

## 11. Resolving complaints

At each stage in the procedure, the Trust will want to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation of what actually happened with clarification of the facts
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology

## **12. Withdrawal of a complaint**

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

## **13. The four stages of the concerns and complaint procedure**

### **Stage 1a: Talk to the class teacher or SENDCO (informal) / Concerns**

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 their concern or complaint as soon as possible with the relevant member of staff in person, in writing, or by telephone. If the complainant is unclear who to contact or how to contact them, they should contact the school office.

Make an appointment to see the class teacher. The class teacher will know your child well and may already know the details of any incident about which you may have a concern. Please do not try to see the teacher during the school day when lessons are occurring.

It is hoped that you can reach an agreement that satisfies you but on some occasions the concern raised may require investigation, or discussion with others, in which case the complainant should allow at least 5 days for a response. The majority of concerns are dealt with in this way. However, if it is not the case, please progress to Stage 1b.

### **Stage 1b: Meet a senior teacher (informal) / Concerns**

Please contact the school office to arrange to meet with a senior member of staff who will investigate the complaint and reply within 5 working school days.

If the complaint is not resolved informally, it will be escalated to a formal complaint (Stage 2).

### **Stage 2: Complaint goes to Head teacher (formal)**

If the complainant is dissatisfied with the response from the member of staff at Stage 1 they should be advised to put their complaint in writing to the Head teacher who will deal with it formally or appoint an Investigating Officer at Stage 2.

The formal stage involves the complainant putting the complaint into writing, usually to the Head teacher 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 Head teacher can delegate another senior member of staff to carry out the investigation and report their findings to them. The Head teacher will then reach a conclusion based on the investigation.

Where the Head teacher is the subject of the complaint, the complainant should address the complaint to the Chair of the LAB. If the complaint is being dealt with by the Chair of the LAB this will bypass Stage 2 and go the Stage 3 of the formal procedure and be heard by the Chair of the LAB. The complainant must ensure that they include details of why they

are still dissatisfied and what action they would like taken in order to resolve the complaint. They can also attach any evidence to support their concerns.

Where the subject is the Trust, the complaint should be addressed by the Chair of Trustees.

The Investigating Officer must acknowledge the complaint within 5 days by writing to the complainant. The acknowledgement should state that a further communication will follow within 20 school days that will set out the actions taken to investigate the complaint and the findings.

All notes relating to the investigation should be kept on file. The Investigating Officer may feel it necessary to meet with the complainant. If this happens, then notes should be taken at this meeting by a Clerk.

The Investigating Officer will then compile a report detailing their findings. Any recommendations or actions proposed must be considered.

Once satisfied that the investigation has been concluded and a decision has been reached, the Head teacher must notify the complainant in writing of the conclusion and any actions that will be taken as a result. The decision can be communicated to the complainant in writing or, if they may feel it appropriate, meet with them first to communicate their findings and then confirm in writing afterwards.

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 LAB why they are still unhappy.

### **Stage 3: if not resolved at Stage 2, Chair of the LAB (formal)**

Complaints will be escalated to the Chair of the LAB if the complainant is not satisfied with the response to the complaint at the Stage 2 (formal).

The complainant must ensure that they include details of why they are still dissatisfied with the decision, the recommendations and the actions of the Stage 2 complaint and what they require to resolve the matter. They may also attach any evidence to support their concerns that can be additional to that submitted at Stages 1 and 2.

Upon receipt of a complaint at Stage 3 the CEO must also be informed, and if necessary, work with the Chair of the LAB to help to resolve the complaint.

Where the subject is the Chair of Trustees, the complaint should be addressed to the CEO.

Where the subject is the CEO, the complaint should be addressed to the Chair of Trustees.

The Investigating Officer must write to the complainant within 5 days of receipt of the complaint to acknowledge this. The letter should state that another letter will follow within 20 school days setting out the actions taken to investigate the complaint and the findings.



The Investigating Officer will look at all the information pertaining to the complaint submitted by the complainant and the investigatory evidence by the school at Stages 1 and 2. The Chair may want to talk with the complainant or investigating staff members to establish facts and obtain further information.

Once satisfied that the investigation has been concluded and a decision has been reached on the complaint, the Investigating Officer will notify the complainant in writing of the conclusion.

The conclusion could be:

- The evidence indicates that the complaint was substantiated and therefore upheld
- The complaint was substantiated in part and then state what action will be taken
- The complaint is not substantiated by the evidence and therefore not upheld

The complainant will also be informed that should they still be dissatisfied that they may write to the Trustees of The Tapscott Learning Trust.

#### **Stage 4: if not resolved at Stage 3, review panel (formal)**

If the complainant is dissatisfied with the response from the Investigating Officer at Stage 3 (formal) they should be advised that the next stage is to put their complaint in writing to the Trustees at Stage 4.

The complaint will be escalated to the panel hearing stage. This is the final stage of the process. The panel will comprise of Trustees and LAB members from across the Trust who form a complaints appeal panel that are not party to the complaint (see section 14. Roles and Responsibilities of the review panel).

The complaints appeal panel will be appointed by or on behalf of the Chair of the Trustees and must consist of at least 3-5 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 LAB members, as they are not independent of the management and running of the school.

The panel must be independent and impartial. No governor may sit on the panel if they have had prior involvement in the complaint or in the circumstances surrounding it. The panel must have a cross-section of categories of Governors who are sensitive to the issues of race, gender and religious affiliation.

The panel will have access to the existing record of the complaint's progress (see section 18. Record Keeping).

The complainant must ensure that they include details of why they are still dissatisfied with the decision of the Chair of the LAB, recommendations and actions of the Stage 3 complaint and what they feel would resolve the matter. They can also attach any evidence to support their concerns in addition to that submitted at Stages 1, 2 and 3.

The complaint will be acknowledged within 10 school days.

The panel must convene a meeting to discuss the complaint and to look at all of the investigation evidence to make a final decision on how to progress. A Clerk should be

appointed to take notes of the meeting and records must be kept.

As the Head teacher has a statutory duty for the internal organisation and management of the school, which they must carry out in accordance with any rules, regulations or policies laid down by the LAB and Trust, the remit for this panel is to consider the complaint with regard to whether the Head teacher has followed the relevant school policies. It is not to substitute its own operational judgement for that of the Head teacher.

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 Head teacher.

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

The panel can decide:

- To convene a meeting with the complainant. If a meeting is to be convened, the person chairing the meeting will write to the complainant to acknowledge the complaint within 10 school days. The letter would also include the date, time and venue of the convened meeting to hear the complaint.
- Decide on the appropriate action to be taken to resolve the complaint
- For non-complex complaints, not to meet with the complainant, but to use all the information available to them and make a decision on the complaint as there is enough information to allow for a decision to be made
- Possible outcomes for the panel
- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Recommend changes to school systems or procedures to ensure that similar incidents do not occur
- An outcome letter will be sent to the complainant within 20 days of the meeting.

## 14. Roles and Responsibilities of the review panel

### Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality

### Investigating Officer

The Investigating Officer's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - interviewing staff and children / young people and other people relevant to the complaint
  - consideration of records and other relevant information
  - analysing information
- liaising with the complainant and the Complaints Co-ordinator as appropriate to clarify what the complainant feels would put things right

The Investigating Officer should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Head teacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems

The Head teacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

**Complaints Co-ordinator** (this could be the Head teacher / Designated Complaints Governor or other staff member providing administrative support)

The Complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Head teacher, Chair of Trustees / LABs, Clerk and appointed members (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
  - sharing third party information

- additional support - this may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records

### **Clerk to the Trustees / LAB**

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example, Stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision

### **Committee Chair**

The committee's Chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child / young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR. If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and Complaints Co-ordinator, if the school has one)

### **Committee Member**

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so

No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it

- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant

We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations

- many complainants will feel nervous and inhibited in a formal setting

Parents / carers often feel emotional when discussing an issue that affects their child.

- extra care needs to be taken when the complainant is a child / young person and present during all or part of the meeting

Careful consideration of the atmosphere and proceedings should ensure that the child / young person does not feel intimidated.

The committee should respect the views of the child/young person and give them equal consideration to those of adults

If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child / young person needs to attend

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child / young person's best interests.

- the welfare of the child/young person is paramount

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

If the complainant is unsatisfied with the outcome of the school's complaints procedure after they have completed Stage 4, they can refer their complaint to the DfE and / or ESFA.

The DfE will not normally reinvestigate the substance of complaints or overturn any decisions made by The Tapscott Learning Trust. They will consider whether The Tapscott Learning Trust has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online 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

Alternatively, 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>

## **16. 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 Trustees / LAB (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 by letter.

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

## 17. Managing serial and unreasonably complaints

The 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 our 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 Trust defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- 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
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- 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 and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums

Complainants should try to limit their communication with the school that relates to their complaint, while the 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 CEO / Head teacher / Chair of Trustees / LAB will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the Head teacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the Trust / any of the schools within the Trust causing a significant

level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from the school.

## **18. 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 written communications, notes relating to meetings and phone calls, whether they were resolved at a particular stage or progresses to the final stage, and what action was taken by the school / Trust as a result of those complaints (whether or not the complaint were upheld).

All correspondence, statements and records relating to complaints must be kept confidential, except where the Secretary of State (or someone acting on his / her behalf) 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.

Records of complaints will be kept from date of the resolution of the complaint + a minimum of 6 years then review for further retention in case of contentious disputes.

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 school 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.

## **19. Learning lessons**

The Chair of Trustees 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.

## **20. Monitoring arrangements**

The Trustees will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Trustees will track the number and nature of complaints, and review underlying issues as stated in section 19. Learning lessons.

The complaints records are logged and managed by the Company Secretary.



This policy will be upheld and will be reviewed by the Policy Development Lead every three years. However, should there be any updates from DfE or ESFA, or from lessons learnt of complaints received this policy will be amended accordingly. At each review, the policy will be approved by the Trustees.

## **21. Links with other policies**

Policies dealing with other forms of complaints include:

- Safeguarding policy
- Admissions policy
- Staff Grievance Procedures
- Staff Disciplinary Procedures
- Inclusion

The following two documents are:

**How to Raise a Concern or Complaint**

**Flowchart of Raising a Concern or Complaint**

# How to Raise a Concern or Complaint

This is a summary of the four stages of concerns and complaint procedures. More information can be viewed in the Concerns and Complaints Policy and Procedures

## **Stage 1a: Talk to the class teacher or SENDCO (informal) / Concerns**

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

Make an appointment to see the class teacher. The class teacher will know your child well and may already know the details of any incident about which you may have a concern.

It is hoped that you can reach an agreement that satisfies you but on some occasions the concern raised may require investigation, or discussion with others, in which case the complainant should allow at least 5 days for a response. However, if it is not the case, please progress to Stage 1b.

## **Stage 1b: Meet a senior teacher (informal) / Concerns**

Please contact the school office to arrange to meet with a senior member of staff who will investigate the complaint and reply within 5 working school days. If the complaint is not resolved informally, it will be escalated to a formal complaint (Stage 2).

## **Stage 2: Complaint goes to Head teacher (formal)**

If the complainant is dissatisfied with the response from the member of staff at Stage 1 they should be advised to put their complaint in writing to the Head teacher who will deal with it formally or appoint an Investigating Officer at Stage 2.

The formal stage involves the complainant putting the complaint into writing, usually to the Head teacher 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.

Where the Head teacher is the subject of the complaint, the complainant should address the complaint to the Chair of the LAB. If the complaint is being dealt with by the Chair of the LAB this will bypass Stage 2 and go the Stage 3 of the formal procedure and be heard by the Chair of the LAB. The complainant must ensure that they include details of why they are still dissatisfied and what action they would like taken in order to resolve the complaint. They can also attach any evidence to support their concerns.

Where the subject is the Trust, the complaint should be addressed by the Chair of Trustees.

The Investigating Officer must acknowledge the complaint within 5 days by writing to the complainant. The acknowledgement should state that a further communication will follow within 20 school days that will set out the actions taken to investigate the complaint and the findings.

Once satisfied that the investigation has been concluded and a decision has been reached, the Head teacher / Chair of LAB must notify the complainant in writing of the conclusion and any actions that will be taken as a result.

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 LAB why they are still unhappy.

## **Stage 3: if not resolved at Stage 2, Chair of the LAB (formal)**

Complaints will be escalated to the Chair of the LAB if the complainant is not satisfied with the response to the complaint at the Stage 2 (formal).

The complainant must ensure that they include details of why they are still dissatisfied with the decision, the recommendations and the actions of the Stage 2 complaint and what they require to resolve the

matter. They may also attach any evidence to support their concerns that can be additional to that submitted at Stages 1 and 2.

Upon receipt of a complaint at Stage 3 the CEO must also be informed, and if necessary, work with the Chair of the LAB to help to resolve the complaint.

Where the subject is the Chair of Trustees, the complaint should be addressed to the CEO.

Where the subject is the CEO, the complaint should be addressed to the Chair of Trustees.

The Investigating Officer must write to the complainant within 5 days of receipt of the complaint to acknowledge this. The letter should state that another letter will follow within 20 school days setting out the actions taken to investigate the complaint and the findings.

The Investigating Officer will look at all the information pertaining to the complaint submitted by the complainant and the investigatory evidence by the school at Stages 1 and 2. The Chair may want to talk with the complainant or investigating staff members to establish facts and obtain further information.

Once satisfied that the investigation has been concluded and a decision has been reached on the complaint, the Chair will notify the complainant in writing of the conclusion. The complainant will also be informed that should they still be dissatisfied that they may write to the Trustees of The Tapscott Learning Trust.

#### **Stage 4: if not resolved at Stage 3, review panel (formal)**

If the complainant is dissatisfied with the response from the Chair of the LAB at Stage 3 (formal) they should be advised that the next stage is to put their complaint in writing to the Trustees at Stage 4.

The complaint will be escalated to the panel hearing stage. This is the final stage of the process. The panel will comprise of Trustees and LAB members from across the Trust who form a complaints appeal panel.

The complainant must ensure that they include details of why they are still dissatisfied with the decision of the Chair of the LAB, recommendations and actions of the Stage 3 complaint and what they feel would resolve the matter. They can also attach any evidence to support their concerns in addition to that submitted at Stages 1, 2 and 3.

The complaint will be acknowledged within 10 school days.

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.

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 Head teacher.

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

If you have a concern or are looking to make a complaint, follow our 4 stage guide.

### Stage 1a – Informal

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

Make an appointment to see the class teacher. The class teacher will know your child well and may already know the details of any incident about which you may have a concern.

It is hoped that you can reach an agreement that satisfies you but on some occasions the concern raised may require investigation, or discussion with others, in which case the complainant should allow at least 5 days for a response.

**Resolved**  
No further action required.

**Unresolved**  
Progress to Stage 1b

### Stage 1b - Informal

Please contact the school office to arrange to meet with a senior member of staff who will investigate the complaint and reply within 5 working school days. If the complaint is not resolved informally, it will be escalated to a formal complaint (Stage 2).

**Resolved**  
No further action required.

**Unresolved**  
Progress to Stage 2

### Stage 2: Formal

If the complainant is dissatisfied with the response from the member of staff at Stage 1 they should be advised to put their complaint in writing to the Head teacher who will deal with it formally or appoint an Investigating Officer at Stage 2.

The formal stage involves the complainant putting the complaint into writing, usually to the Head teacher 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.

Where the Head teacher is the subject of the complaint, the complainant should address the complaint to the Chair of the LAB. If the complaint is being dealt with by the Chair of the LAB this will bypass Stage 2 and go the Stage 3 of the formal procedure and be heard by the Chair of the LAB. The complainant must ensure that they include details of why they are still dissatisfied and what action they would like taken in order to resolve the complaint. They can also attach any evidence to support their concerns.

Where the subject is the Trust, the complaint should be addressed by the Chair of Trustees.

The Investigating Officer must acknowledge the complaint within 5 days by writing to the complainant. The acknowledgement should state that a further communication will follow within 20 school days that will set out the actions taken to investigate the complaint and the findings.

Once satisfied that the investigation has been concluded and a decision has been reached, the Head teacher / Chair of LAB must notify the complainant in writing of the conclusion and any actions that will be taken as a result.

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 LAB why they are still unhappy.

**Resolved**  
No further action required.

**Unresolved**  
Progress to Stage 3

### Stage 3: Chair of the LAB – Formal

Complaints will be escalated to the Chair of the LAB if the complainant is not satisfied with the response to the complaint at the Stage 2 (formal).

The complainant must ensure that they include details of why they are still dissatisfied with the decision, the recommendations and the actions of the Stage 2 complaint and what they require to resolve the matter. They may also attach any evidence to support their concerns that can be additional to that submitted at Stages 1 and 2.

Upon receipt of a complaint at Stage 3 the CEO must also be informed, and if necessary, work with the Chair of the LAB to help to resolve the complaint.

Where the subject is the Chair of Trustees, the complaint should be addressed to the CEO.

Where the subject is the CEO, the complaint should be addressed to the Chair of Trustees.

The Investigating Officer must write to the complainant within 5 days of receipt of the complaint to acknowledge this. The letter should state that another letter will follow within 20 school days setting out the actions taken to investigate the complaint and the findings.

The Investigating Officer will look at all the information pertaining to the complaint submitted by the complainant and the investigatory evidence by the school at Stages 1 and 2. The Chair may want to talk with the complainant or investigating staff members to establish facts and obtain further information.

Once satisfied that the investigation has been concluded and a decision has been reached on the complaint, the Chair will notify the complainant in writing of the conclusion. The complainant will also be informed that should they still be dissatisfied that they may write to the Trustees of The Tapscott Learning Trust.

**Resolved**  
No further action required.

**Unresolved**  
Progress to Stage 4

### Stage 4: if not resolved at Stage 3, review panel (formal)

If the complainant is dissatisfied with the response from the Chair of the LAB at Stage 3 (formal) they should be advised that the next stage is to put their complaint in writing to the Trustees at Stage 4.

The complaint will be escalated to the panel hearing stage. This is the final stage of the process. The panel will comprise of Trustees and LAB members from across the Trust who form a complaints appeal panel.

The complainant must ensure that they include details of why they are still dissatisfied with the decision of the Chair of the LAB, recommendations and actions of the Stage 3 complaint and what they feel would resolve the matter. They can also attach any evidence to support their concerns in addition to that submitted at Stages 1, 2 and 3.

The complaint will be acknowledged within 10 school days.

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.

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 Head teacher.

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

**Resolved**  
No further action required.

**Unresolved**  
Refer complaints to DfE or ESFA

### Referring complaints on completion of the school's procedure

If the complainant is unsatisfied with the outcome of the school's complaints procedure after they have completed Stage 4, they can refer their complaint to the DfE and / or ESFA.

The DfE will not normally reinvestigate the substance of complaints or overturn any decisions made by The Tapscott Learning Trust. They will consider whether The Tapscott Learning Trust has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online 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

Alternatively, 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>