

COMPLAINTS POLICY

We believe that **all children** deserve the **best education**, and **all staff** deserve to be **valued** and **developed**. Our Trinitas **family**, **Christian faith**, and an unrelenting desire to **improve society**, underpin everything we do. **Creativity, compassion** and **high expectations** drive the trust to ensure that every person within its community **flourishes**.

Trinitas – Faith, Family, Flourish!

Aim: to outline the Trust's and its schools' approach to concerns and complaints.

Policy Owner: Trustees and Principals

Audience: all stakeholders

Copies are available on each school's website and from the school office.

Date reviewed and approved by Trustees: July 2021

Next review date: July 2023

Please note that any wording in **RED** is awaiting Trustee / Governor approval. Once approved, this should revert to **BLACK**.

Introduction

Trinitas Academy Trust endeavours to provide the best possible education for all of its pupils in an open and transparent environment. We welcome any feedback that we receive from parents, pupils and third parties, and we accept that not all of this will be positive. Where concerns are raised the Trust intends for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without Prejudice

In order to do so, the Board of Trinitas Academy Trust, to which our school belongs, has approved the following procedure which explains what you should do if you wish to make a complaint about the school. All members of staff will be familiar with the procedure and will be able to assist you.

Complaints that fall outside of this procedure

Complaints relating to the following issues are covered by a separate/specific policy.

- Pupil admissions; please see each school's Admissions policy.
- Pupil exclusions; please see each school's Behaviour policy.
- Staff grievance, capability or disciplinary; these are covered by the Trust's Disciplinary policy and the Trust's Code of Conduct.
- Where the complaint concerns a third party used by the school; please complain directly to the third party.
- Subject Access Requests and Freedom of Information Requests – please see each school's Data Protection and Freedom of Information policy

These policies are available on the school website or on request from the school.

Please note that as public bodies, the Secretary of State for Education expects academies to handle complaints from people who are not parents of children at the school respectfully and expeditiously. They are not obliged to follow the complaints policy though.

Resolving concerns informally

For the purpose of this procedure, concerns are defined as having a worry or doubt over an issue considered to be important for which reassurances are sought. The majority of concerns can be dealt with without resorting to the formal stages of the formal complaints procedure (see below). The governing boards of our schools encourage those that have concerns to raise them with the appropriate person at the school (e.g. your child's class teacher) in person, in writing or via a phone call and to work constructively with that person towards resolving them. The extent to which this was both attempted and followed may be taken into consideration when assessing the reasonableness of a complaint during the formal stages of the procedure.

The formal stages of the procedure should be followed when attempts to resolve concerns informally have proved unsuccessful, and in cases where individuals wish to raise their concern formally.

The complainant will be asked at the earliest stage what they think might resolve the issue. Please note that an acknowledgement that the school could have handled the situation better is not the same as an admission of unlawful or negligent action.

Complaints about the CEO, Principal, central Trust staff or the Trustees / governors

Where a complaint is about the CEO, the complainant should contact the Chairman of the Board of Trustees, Trinitas Academy Trust, c/o Trinity School, Erith Road, Belvedere, Kent DA17 6HT. The Chairman will determine the most appropriate course of action, seeking advice as appropriate. This will depend upon the nature of the complaint.

Where a complaint is about the Principal, the complainant should notify the Clerk to the governors (see contact details at the end of the document). The stage one process (see the formal stages below) will then commence, but with the Chair of governors as the individual responsible for the investigation, rather than the Principal.

Where a complaint is about a member of the Trust's central staff team, but not the CEO, the complainant should contact the CEO, Trinitas Academy Trust, c/o Trinity School, Erith Road, Belvedere, Kent DA17 6HT. The CEO will determine the most appropriate course of action, seeking advice as appropriate. This will depend upon the nature of the complaint.

Where a complaint concerns any governor or Trustee, or the whole local governing board or the whole Board of Trustees, the complainant should contact the Clerk to the Trustees, Trinitas Academy Trust, c/o Trinity School, Erith Road, Belvedere, Kent DA17 6HT. The Clerk will then determine the most appropriate course of action, seeking advice as appropriate. This will depend upon the nature of the complaint.

The timescale for making a complaint

Notification of a complaint should be given as soon as possible after the issue that led to the complaint has occurred and after informal attempts to seek resolution have proved unsuccessful. Complaints that are submitted three months after the issue that led to the complaint occurred will not be considered under this procedure unless there are exceptional circumstances. These may include (but are not limited to) subsequent information about the complaint coming to light and a valid explanation of why it was not possible to give notification of the complaint sooner. In such cases the Principal/Chair of the governing board/Clerk to the governing board (as appropriate) will review the circumstances, seek advice and determine whether the complaint should be considered under the formal procedure.

Maintaining records

A confidential written record of all complaints that are made in accordance with this procedure will be kept by the school. The written record will include whether the complaint has been resolved following a formal procedure and whether it proceeded to a panel review meeting. It will also refer to any action taken by the school as a result of the complaint regardless of whether it has been upheld.

Maintaining confidentiality

Informal concerns and complaints will be dealt with confidentially at all stages and at the conclusion of the procedure. Confidentiality should be maintained all times by everyone involved. The governing board of the school requests that complaints are not discussed publicly, including via social media.

Actions taken in relation to school staff that arise as a result of the complaint will remain confidential to the school and the member of staff concerned.

Written records taken and used throughout the complaints process, including correspondence, notes of meetings, telephone calls etc., will be kept securely and in accordance with the principles of the General Data Protection Regulation (GDPR) and Data Protection Act 2018.

Safeguarding

Wherever a concern indicates that a child's wellbeing or safety is at risk, the school is duty bound to report this immediately to the local authority. Any action taken will be in accordance with the school's safeguarding policy, which can be found on each school's website.

The formal stages of the complaints procedure

The majority of concerns can be dealt with without resorting to the formal stages of the procedure. If you need to raise a concern, then please do so with the relevant member of staff who will be happy to talk to you and seek to resolve it.

There are two formal stages of the complaints procedure.

Stage 1 – formal investigation by Principal

1. A request for a formal investigation of a complaint by the Principal (or Chair of the governing board as appropriate) must be made in writing, unless the complainant has a sufficient reason to request a reasonable adjustment be made to amend this, C/O the school, or by completing the formal complaints form that is included as Appendix 1 of this procedure.
2. The Principal (or Chair of the governing board as appropriate) will acknowledge the request in writing no later than 10 school days of receiving it. The written acknowledgment will, as far as possible, explain how the complaint will be investigated and the timescale for completing the investigation.
3. A log of all correspondence in relation to the complaint will be kept in accordance with the DataProtection Principles.
4. The Principal will consider all relevant evidence. This may include, but is not limited to:
 - obtaining statements from the complainant and those involved with the complaint
 - meeting with the complainant and those involved in the complaint
 - reviewing correspondence and other document relating to the complaint
5. After considering the available evidence, the Principal can decide to:
 - uphold the complaint and direct that certain action be taken to resolve it
 - uphold the complaint in part (in other words find an aspect or aspects of the complaint to be valid, but not the whole complaint) direct for certain action to be taken, or
 - dismiss the complaint entirely
6. The Principal will inform the complainant of their decision in writing, the grounds on which it was made and any actions taken as a result of the complaint. This will be within 20 school days of having issued written acknowledgement of receipt of the complaint (see 2 above). The written notification shall also advise the complainant of their right to escalate the complaint to stage 2 of the formal complaints procedure if they are not satisfied with the outcome at stage 1, including the contact details of the Clerk to the governing board.

Stage 2 – Review by a panel of the school's governing board

The complainant is entitled to request a review of the decision taken at stage 1 and the actions taken. The review is carried out by a panel of the school's governing board at a meeting convened by the Clerk to the governing board.

Requests for a review of the decision taken at stage 1 should be made in writing to the Clerk (c/o the school office) no later than 4 weeks after written notification of the decision taken has been received. The request should include a brief summary of the complaint, why the complainant is dissatisfied with the outcome of stage 1 and the outcome they are seeking.

The Clerk will fulfil the role of organising the time and date of the review meeting, inviting all the attendees, collating all the relevant documentation and distributing this 5 days in advance of the meeting. Minutes of the review meeting will be taken by the Clerk and provided with the written notification of the decision taken at stage 2 (see 9 below).

The following steps are taken at stage 2:

1. The Clerk will acknowledge the written request for the complaint to be reviewed no later than 10 school days after receiving it.
2. The Clerk will convene a panel of two school governors or academy trustees and one independent member to review the complaint. All three panel members will have no prior knowledge of the content of the complaint. A governor, from a local governing body at a different school within the Trust, who has no conflict of interest or prior knowledge of the complaint, can be an independent panel member.
3. The review meeting will take place within 20 school days of receipt of the written acknowledgement from the Clerk (see 1 above). The aim of the panel meeting should be reconciliation and to put things right which may have gone wrong.
4. The panel may decide to invite the following to attend the review meeting:
 - the complainant
 - the Principal (or Chair of the governing board as appropriate) who investigated the complaint and made the decision at stage 1
 - relevant persons involved the complaint
 - persons whom, in the view of the panel, can provide relevant advice and information relating to the subject of the complaint and the review process at stage 2
5. Where the complainant, Principal and/or relevant person involved in the complaint have been invited to attend the review meeting, they are entitled to be accompanied by a family member/friend/representative as appropriate. However, legal representatives are not permitted to attend the review meeting.
6. Where the relevant persons involved in the complaint include pupils at the school, and their attendance at the review meeting has been requested by the panel, parental permission must be sought if they are under the age of 18. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing.
7. Where the complaint is about a governor/trustee/governing board the complainant may request that the review meeting is held by an independent panel. This is at the discretion of the governing board and academy trust, who will notify the Clerk of their decision. Where an entirely independent panel is required, timescales may be affected while the school source appropriate individuals for the review.
8. After considering the complaint afresh and reviewing the available evidence, the panel reviewing the complaint can decide to:
 - uphold the complaint and direct that certain action be taken to resolve it;
 - uphold the complaint in part (in other words find an aspect or aspects of the complaint to be valid, but not the whole complaint) and direct for certain action to be taken, or
 - dismiss the complaint entirely.

Irrespective of the decision taken, the panel may also recommend steps that the complainant and the school should take to move forward from the presenting issues in the best interests of all

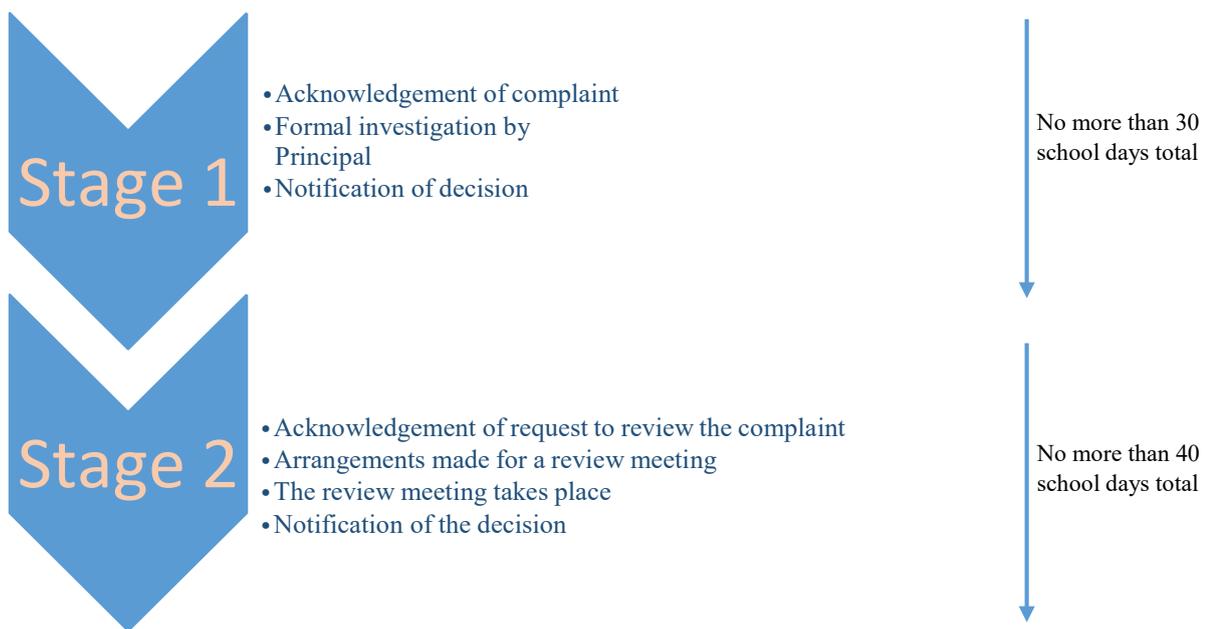
concerned. The panel may also recommend steps to be taken that reduce the likelihood of a similar complaint being made in the future.

9. The complainant, the Principal (or Chair of the governing board as appropriate) who investigated the complaint and made the decision at stage 1, and, where relevant, the person complained about, will be informed in writing of the outcome of the review meeting no later than 10 school days after the review meeting has taken place.

This is the final stage at which the school will consider the complaint. If the complainant remains dissatisfied and wishes to escalate the complaint further they should refer to the following:

- If the complainant remains dissatisfied with the outcome of the complaints procedure they may contact the academy trust in writing: Clerk to the Trustees, Trinitas Academy Trust, c/o Trinity School, Erith Road, Belvedere, Kent DA17 6HT.
- If the complainant feels that the governing board acted ‘unreasonably’ in the handling of the complaint, they can complain to the Department for Education after the complaints procedure has been exhausted. Please note that ‘unreasonable’ is used in a legal sense and means acting in a way in which no reasonable school or authority would act in the same circumstances. <https://www.gov.uk/complain-about-school>

Timescale for completing the formal stages of the procedure



The school will endeavour to complete the formal stages of its complaints procedure in a timely manner and within the timescale for each stage that is referred to above. However, if it becomes clear that for any reason The school is unable to meet the timescale for completing a stage of the procedure, the complainant will be advised of this immediately, along with the reason for the delay and the revised timescale.

Serial, persistent and unreasonable complaints

For the purpose of this procedure, a complaint may be viewed as serial and/or persistent if it relates to the same issue that was the subject of a previous complaint (made by the same complainant) which has already been through a formal complaints procedure in which the complainant has been notified of the outcome. In

such cases it is likely that the complainant will be informed that the matter is now closed and that the school will provide no further response.

For the purpose of this procedure a complaint may be viewed as unreasonable if it contains threatening, abusive or offensive language and conveys unrealistic outcomes beyond all reason. In such cases the Principal/Chair of the governing board/Clerk to the governing board (as appropriate) will consult with relevant parties and may decide that the complaint is not considered under this procedure. The complainant will be notified in writing that this is the case and that the school will provide no further response. Any such decision will be made in accordance with current DfE and ESFA guidance.

Vexatious complaints

The characteristics of a 'frivolous' or 'vexatious' complaint are:

- complaints which are obsessive, persistent, harassing, prolific, repetitious
- insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
- insistence upon pursuing meritorious complaints in an unreasonable manner
- complaints which are designed to cause disruption or annoyance
- demands for redress that lack any serious purpose or value.

In such cases the Principal/Chair of the governing board/Clerk to the governing board (as appropriate) will consult with relevant parties and may decide that the complaint is not considered under this procedure. The complainant will be notified in writing that this is the case and that the school will provide no further response. Any such decision will be made in accordance with current DfE and ESFA guidance.

Complaint campaigns

If the school or Trust becomes the focus of a campaign and receive large volumes of complaints all based on the same subject and from complainants unconnected with the school, these may be handled separately from this policy. The response from the school / Trust could include:

- sending a template response to all complainants
- publishing a single response on the school's website

If complainants are unsatisfied with the response, they will be signposted to the Department for Education: <https://www.gov.uk/complain-about-school>

Parental responsibility

Complaints related to conflict between estranged parents over the application of parental responsibility will be dealt with in accordance with the Safeguarding and Child Protection policy.

Queries regarding any aspect of the complaints procedure should be directed to the Clerk to the Governing Board, c/o the school office, or the Clerk to the Trustees, Trinitas Academy Trust, c/o Trinity School, Erith Road, Belvedere, Kent DA17 6HT.

Appendix Formal Complaints Form

| | |
|--|--|
| Name | |
| Name of pupil, year group and your relationship to them (where applicable) | |
| School name | |
| Contact address | |
| Contact telephone day | |
| Contact telephone mobile | |
| Contact email address | |
| Details of the complaint | |
| | |
| Action taken so far (including staff member who has dealt with it so far) or solutions offered | |
| | |
| The reason that this was not a satisfactory resolution for you | |
| | |
| What action would you like to be taken to resolve the problem? | |
| | |

| | | | | | |
|---------|--|--|--|--|--|
| Signed: | | | | | |
| | | | | | |
| Dated: | | | | | |

| |
|---------------------|
| <i>Official use</i> |
| Date received: |