

Trinity School

Complaints Policy



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Table of Contents

Introduction.....	3
Purpose:.....	3
Aim(s):.....	4
Complaints procedure.....	4
Anonymous complaints.....	4
Stage One - Informal Resolution	5
Stage Two - Formal Resolution.....	6
Stage Three – Panel Hearing.....	7
Next Steps.....	9
Unreasonable Complainants.....	9
Barring from the School Premises.....	10
Roles and Responsibilities	12
Consultation:	15
Concluding Notes:.....	15
Other Documents and Appendices	15
Appendix A: Complaint Form.....	16
Appendix B: Process Flowchart	17



“Make every effort to live in peace with everyone and to be holy; without holiness no one will see the Lord.” Hebrews 12: 14

Complaints Policy and Procedure

Introduction

Purpose:

This policy and procedure is for the benefit of students and parents at Trinity School. The policy and its procedure will be relied upon in respect of **all complaints** by parents and students made against Trinity School except in respect of;

- a. **Child protection allegations** where a separate policy and procedure applies
- b. **Exclusions** where a separate policy and procedure applies
- c. **Appeals relating to internal assessment decisions for external qualifications** where a separate appeals procedure applies.

Trinity School will be clear about the difference between a concern and a complaint. We will take concerns seriously at the earliest stage to reduce the number that develop into complaints.

The difference between a concern and a complaint

A concern may be defined as ‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’. A complaint may be defined as ‘an expression of dissatisfaction however made, about actions taken or a lack of action’. It is in everyone’s interest that concerns and 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

Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Trinity School 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.

Trinity School expects that most concerns can be resolved informally and will use reasonable endeavours to resolve any complaints that are made informally, or any concerns that are raised, on that basis.

If informal procedures fail to resolve the issue, a formal complaint about any matter not involving child protection allegations, internal assessment decisions or a decision to exclude a student, must be given verbally or in writing to the Headteacher and will be dealt with under this Complaints Policy and Procedure.



Principles/values:

This policy is based on our commitment to our values particularly:

Serving: *we will encourage all involved in our school – students, families, teaching and non-teaching staff – to serve others within the school, in the local community and beyond.*

Inclusion and Equality – *we will treat all complaints with equal seriousness and fairness.*

Aim(s):

- Every complaint shall receive fair and proper consideration and a timely response.
- We will do all we can to resolve your concern and to ensure you are happy with the education that your child receives at Trinity School.
- Parents can be assured that all complaints and expressions of concern, whether raised informally or formally, will be treated seriously and confidentially.
- Correspondence, statements and records will remain confidential except in so far as is required by paragraph 6(2)(j) of the Education (Independent Schools Standards) Regulations 2003; where disclosure is required in the course of Trinity School's inspection; or where any other legal obligation prevails.

Complaints procedure

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 2 of the procedure.

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

Complaints that involve or are about the headteacher should be addressed to the Chair of Governors via the school office. Please mark them as Private and Confidential.

Complaints about the Chair or Vice -Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the Governing Body via the school office. Please mark them as Private and Confidential.

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.

Anonymous complaints

We will not normally investigate anonymous complaints. However, the headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

Time scales

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.



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.

Our Complaints Procedure will:

- Encourage resolution of problems by informal means wherever possible.
- Be easily accessible and publicized.
- Be simple to understand and use.
- Be impartial.
- Be non-adversarial.
- Allow swift handling with established time-limits for action and keeping people informed of the progress.
- Ensure a full and fair investigation by an independent person where necessary
- Respect people's desire for confidentiality.
- Address all the points at issue and provide an effective response and appropriate redress, where necessary.
- Provide information to Trinity School's senior leadership team so that services can be improved.

Resolving complaints

At each stage in the procedure, Trinity School wants 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
- 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.

Withdrawal of a Complaint

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

Stage One - Informal Resolution

1. It is hoped that most complaints and concerns will be resolved quickly and informally.
2. If parents have a complaint they should normally contact their child's Tutor. In many cases, the matter will be resolved straightaway by this means to the parents' satisfaction. If the Tutor cannot resolve the matter alone, it may be necessary for him/her to consult the Deputy Head or Headteacher.



3. Complaints made directly to a Deputy Head or the Headteacher will usually be referred to the relevant line manager unless the Deputy Head or the Headteacher deems it appropriate for him/her to deal with the matter personally.
4. The Line Manager will make a written record of all concerns and complaints and the date on which they were received. These records will be kept for one (1) year after the student leaves Trinity School.
5. Trinity School will use its reasonable endeavours to resolve any informal complaints within ten (10) working days of them being raised, except where they are raised in school holidays where Trinity School will use all reasonable endeavours to resolve them as soon as possible.
6. Should the matter not be resolved as referred to in paragraph 5 above, or in the event that the Line manager and the parents fail to reach a satisfactory resolution, then parents may proceed with their complaint in accordance with Stage Two of this Procedure.

Stage Two - Formal Resolution

If the complaint cannot be resolved on an informal basis (as set out in paragraphs 5 and 6 of stage one above), then parents should put their complaint in writing to Trinity School's Headteacher using the Complaint Form at Appendix A. Parents should use the form to identify how they wish their complaint to be resolved.

1. The Headteacher will delegate responsibility for undertaking investigation of the complaint to a Deputy Head unless he/she deems it appropriate for him/her to deal with the matter personally.
2. The Headteacher will decide, after considering the complaint, the appropriate course of action to take.
3. In most cases, the Headteacher will meet or speak with the parents concerned to discuss the matter. If possible, a resolution will be reached at this stage.
4. The Headteacher will use reasonable endeavours to meet or speak to parents within ten (10) working days of the formal complaint being received, except where the complaint is received in school holidays where the Headteacher will use his/ reasonable endeavours to speak or meet with parents as soon as possible.
5. The Headteacher may decide to appoint an independent member of staff to carry out further investigations.
6. The Headteacher will keep a written record of all meetings and interviews held in relation to the complaint.
7. Once the Headteacher is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made. Parents will be informed of this decision in writing, giving reasons for the decision.



The written decision should be provided no later than ten (10) working days after speaking or meeting with parents to discuss the matter (pursuant to paragraph 4 above). This is due to meeting having already taken place earlier – no second meeting necessary, rather a written response.

8. Trinity School will keep a written record of all formal complaints, including records of meetings and interviews held in relation to the complaint, and Trinity School's decision, which record will be kept for one (1) year after the student leaves Trinity School. This record will state whether complaints were resolved at the preliminary hearing or if they were taken to appeal.
9. Where parents are dissatisfied with the outcome of Trinity School's response to their formal complaint, they have the opportunity to have their complaint considered by an independent Complaints Panel. (Stage 3)

Stage Three – Panel Hearing

If parents seek to invoke Stage Three following failure to reach an earlier resolution and where dissatisfied with the Headteacher's decision in respect of their formal complaint, the parents may, in writing addressed to Trinity School, request that their complaint is further considered by an independent Complaints Panel set up for this purpose.

1. This request for further assessment of the complaint will, for the purposes of this Procedure, be known as an 'appeal'.
2. Parents must lodge their appeal in writing and within ten (10) working days of the date of Trinity School's decision being notified to them in accordance with the Stage Two Procedure. The parents should provide a list of their complaint(s) made against Trinity School, including those which they believe to have been resolved unsatisfactorily by the Stage Two Procedure, along with the remedies sought in respect of each.
3. The Complaints Panel is only obliged to consider the complaint(s) lodged in this 'initial submission' although they may use their discretion to consider other relevant and related matters that may subsequently arise.
4. Where an appeal is received by Trinity School, it will, within five (5) working days, refer the matter to the Clerk to the Board of Governors who will act as Clerk to the Complaints Panel. Where the appeal is received by Trinity School during school holidays, or within two (2) working days of their commencement, Trinity School has up to five (5) working days upon commencement of the next school term to refer the matter to the Clerk.
5. The Clerk provides an independent source of advice on procedure for all parties.
6. Once an appeal has been received by the Clerk, he/she will acknowledge the appeal in writing within five (5) working days, and inform the parents of the steps involved in this Complaints Procedure.



7. The Clerk will then endeavour to convene an independent Complaints Panel hearing as soon as possible to consider the matter, normally no later than twenty (20) school days after receipt by Trinity School of parents' written notice that they wish to invoke the Stage Three Procedure, dependent upon the availability of the Panel members.
8. The independent Complaints Panel will consist of two Governors on the Board who have not previously been involved in the complaint, and one person independent of the management and running of Trinity School. The process used for selecting an independent person will conform to relevant guidance issued by the Department for Education.
9. The following are entitled to attend a hearing, submit written representations and address the Panel:
 - a. The parent/s (or, if aged over 18, the student) and/or one representative;
 - b. The Headteacher of Trinity School and/or one representative; and
 - c. Any other interested person whom the Complaints Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision-making.

Legal representation will not normally be appropriate.

10. Where the Complaints Panel deems it necessary, it may require that further particulars of the complaint or any related matter be supplied in advance of the hearing. In such cases all parties will be given the opportunity to submit written evidence to the Panel in support of their position, including:
 - a. Documents in support of complaint(s),
 - b. Chronology and key dates relating to complaint(s), and
 - c. Written submission setting out the complaint(s) in more detail.

This evidence will be considered by the Panel, along with the initial submission that was lodged by the parents.

11. Evidence will be initially sent to the Clerk, who will then circulate the documentation to all parties, including the Panel members, along with an order of proceedings. All written evidence must be received by the Clerk no later than ten (10) working days in advance of the hearing. The Clerk will distribute the written evidence to the relevant parties no later than five (5) working days in advance of the Panel hearing.
12. It is for the Panel to decide how to conduct the proceedings of the appeal, which should be reasonably informal so that all parties can present their case effectively. If possible, the Panel will make a decision about the parents' complaint immediately without the need for further investigation. Where further investigation is required, the Panel will decide how it should be carried out.
13. After due consideration of all the facts they consider relevant, the Panel will reach a decision, and may make recommendations, which it shall complete within ten (10) working days of the hearing. The decision reached by the Complaints Panel is final.



Any recommendations that may have financial or resource implications for Trinity School will need the appropriate approval from the relevant authorities e.g. the Board of Governors.

14. The Panel's findings will be sent by the Clerk in writing to the parents, the Governors on the panel, and the Headteacher and, where relevant, the person complained of. The letter will state any reasons for the decision reached and recommendations made by the Complaints Panel.
15. Trinity School will keep a record of all appeals, decisions and recommendations of the Complaints Panel, which record will be kept for one (1) year after the pupil leaves Trinity School.

Next Steps

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after Stage 2 has been completed. The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Trinity School. They will consider whether Trinity School 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, by telephone on: 0370 000 2288 or by writing to:
Department for Education
Piccadilly Gate
Store Street
Manchester M1 2WD.

Unreasonable Complainants

Trinity School 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 the 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.

Examples: A complaint may be regarded as unreasonable when the person making the complaint:

- 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 while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or 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 complaints 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, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a 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 Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it.

For complainants who excessively contact the school causing a significant level of disruption, the school may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from school premises.

Barring from the School Premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community. If a parent's behaviour is a cause for concern, a school can ask them to leave school premises. In serious cases, the Headteacher can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make.



Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing. The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Headteacher. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.



Roles and Responsibilities

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.

Investigator

The investigator'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 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 investigator 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 Headteacher or complaints panel that sets out the facts, identifies solutions and recommends courses of action to resolve problems. The Headteacher or complaints panel 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 would normally be the Clerk to Governors unless the complaint is about the Chair of Governors, any individual governor(s) or the whole governing body).

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each formal stage of the procedure
- liaise with the headteacher, Chair of Governors, Clerk and Trust 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 Governors

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

- ensure that all people involved in the complaints 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
- take minutes of the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

Panel Chair

The panel'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 a manner that 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 panel is open-minded and acts independently
- no member of the panel 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.

Panel Member

Panel members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
- no governor or Trustee may sit on the panel 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 panel 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 panel 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 panel 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

Consultation:

Governors on the Resources committee were provided with draft copies of the document for review and comment.

Sources and references:

Use of The Key Guidance
latest model from the DfE (2019)
Updated DfE recommendations (2020)

Concluding Notes:

Monitoring and evaluation:

The Governing Body will review this policy at least every three years and assess its implementation and effectiveness. The policy will be promoted and implemented throughout the school.

Other Documents and Appendices

Appendix A: Complaint Form
Appendix B: Flowchart



Appendix A: Complaint Form

<p>Your name:</p> <p>Student's name:</p> <p>Your relationship to the student:</p> <p>Address:</p> <p>Postcode: Day time telephone number: Evening telephone number:</p> <p>Please give details of your complaint.</p> <p>What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)?</p>
<p>What actions do you feel might resolve the problem at this stage?</p> <p>Are you attaching any paperwork? If so, please give details.</p> <p>Signature:</p> <p>Date:</p> <p>Official use Date acknowledgement sent: By who: Complaint referred to: Date:</p>



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

Appendix B: Process Flowchart

