



COMPLAINTS POLICY

(The guidance from DfE January 2016 has been used to inform the content of this policy)

VISON STATEMENT

Trinity federation schools will be safe, happy and inclusive places that encourage the enthusiasm and joy of learning which will be underpinned by faith and belief.

INTRODUCTION

In accordance with Section 29 of the Education Act 2002, all local authority (LA) maintained schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

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 generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

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 invoke formal procedures.

Informal concerns are taken seriously at Trinity federation and every effort is made to resolve the matter as quickly as possible.

All members of staff should be aware of the complaints procedure and understand:

- The importance of attempting to resolve problems before they become formal complaints.
- The importance of treating concerns and complaints respectfully.

WHO CAN MAKE A COMPLAINT?

Any person, including members of the general public, may make a complaint about any provision of facilities or services that Trinity federation provides, unless separate statutory procedures apply (such as exclusions or admissions). At Trinity federation, complaints are not limited to parents or carers of children that are registered at the school.

The governing board requires any third party providers offering community facilities or services through the school premises, or using school facilities, have their own complaints procedure in place.

Expressing Concerns (Stage 1)

There are inevitably issues that arise that, if dealt with promptly and in a considerate manner, will avoid the need for a formal complaint. Any problem or concern should be raised promptly with the class teacher or member of staff responsible for the area you are concerned about. If your concern is more serious you may prefer to make an appointment to discuss it with the headteachers or a member of the school's leadership team. All staff will make every effort to resolve your problem promptly at this informal stage.

Formal Complaints

□ Formal procedures will be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further. Complaints should be accepted in writing or verbally. Where a complaint is accepted verbally it should be reported back to the complainant to ensure that details have been collected correctly. All details of a complaint will be kept confidential except in so far as they need to be shared with people who might contribute to their resolution. The complaint will be dealt with in line with the school's complaints procedure.

□ In most cases it will be your choice as to whether to mount a formal complaint, but the Federation reserves the right to utilise the formal complaint procedures where the Federation feels that 'informal' methods of resolving concerns have been exhausted but a complainant clearly remains dissatisfied.

□ It should be noted that some outcomes of a complaint may lead to action being initiated under other formal procedures, such as safeguarding or disciplinary matters. Where this is the case you will be advised and informed of the procedures that are to be followed. It should be noted, however, that the Trinity federation will not necessarily be able to provide you with the details of the outcome of those procedures for data protection reasons or otherwise, depending on the circumstances.

□ If a formal complaint is made to Trinity federation you will be provided with a copy of this complaints policy. It is not a requirement that a formal complaint is made in writing, but the school will need to be clear what the complaint is about, and may therefore request clarification from you before investigating the complaint.

□ Please be aware that the Trinity federation reserves the right not to review a complaint made by a complainant that has not been brought to the attention of the school after 3 months the alleged incident occurring. However, the Federation will consider any complaint outside of that timescale in certain circumstances.

GOVERNING BOARD REVIEW

□ Complaints will not be shared with the whole governing board, except in very general terms, in case an appeal panel needs to be organised;

- If the whole governing board is aware of the substance of a complaint before the final stage has been completed, Trinity federation will arrange for an independent panel to hear the complaint or we may approach a different school to ask for help or the local Governor Services team at the LA, or the Diocese;
- Complainants have the right to request an independent panel, if they believe there is likely to be bias in the proceedings. Trinity federation will consider the request but ultimately, the decision is made by the governors;
- At Trinity federation we believe that the process of listening to and resolving complaints can contribute to school improvement. When individual complaints are heard, Trinity federation may also identify underlying issues that need to be addressed. The monitoring and review of complaints can be a useful tool in evaluating Trinity federation's performance. The governing board may use complaints and review their handling at regular intervals to inform improvements and the effectiveness of the complaints procedure;

Stage 2 (Head Teacher or Chair of Governors)

- Complaints will not be shared with the whole governing board, except in very general terms, in case an appeal panel needs to be organised
- It may be that the head teacher has not been aware of the concern raised prior to this point. At this stage the headteacher will seek to investigate your concerns, as well as attempting to resolve the matter to the satisfaction of all concerned. This may involve having a discussion/meeting with you.
- If the complaint is about the head teacher it will be considered by the Chair of Governors ("the Chair") at this stage. The Chair will seek to resolve the matter through discussion with the head teacher and you. In doing so and, if considered appropriate, the Chair may wish to meet with you in person.
- Trinity federation will endeavour to respond, in writing to a Stage 2 complaint within five school working days. The headteacher will respond to the issues raised within 15 school working days of receiving the complaint. If it is not possible to meet these timescales, then the headteacher will contact the complainant to discuss reviewing these.
- Where concerns cannot be resolved by the headteacher (or the Chair if applicable) then you will be advised that details of your continuing concerns will be accepted either in writing or verbally and then referred to the Governing Body's Complaints Committee (**Stage 3**). The attached form **Appendix 1** may be used for this purpose if you wish, and it would also be useful if you were able to state what actions you feel might resolve the problem.

Stage 3 (Governing Board Complaints Committee)

If a complaint has been referred to a governing board complaints committee (“the Panel”) then the Panel will arrange to meet to consider the complaint. The Panel will endeavour to provide you with a written response within a given timescale (**See Appendix 2**).

Membership of the Panel will do their best to ensure that there is a cross-section of the different categories of governor to ensure impartiality. The head teacher and chair of governors will not be members of this panel, which will elect its own chair, although one or both may be present at the meeting held to consider the complaint.

You will be given the opportunity to attend the complaints meeting to make representations in person, and you will have the right to bring a friend/family member or other supporter. The Panel will therefore meet at a time and a venue convenient to all parties. If you decide not to attend the complaints meeting, it may be held in your absence.

RECORDING COMPLAINTS

Trinity federation must ensure that it complies with their obligations under the Equality Act 2010. Therefore complainants will be asked to complete a complaint form (Appendix 1) or in writing, however the complainant may have communication preferences due to disability or learning difficulties in these circumstances Trinity federation will allow alternative methods of contact:

A complaint may be made in person, by telephone, or in writing;

In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls will be kept and a copy of any written response added to the record. Where there are communication difficulties, Trinity federation may wish to use recording devices to ensure the complainant is able to access and review the discussions at a later point;

Trinity federation will record the progress of the complaint and the final outcome. The headteacher will be responsible for these records and hold them centrally.

Trinity federation are aware that complainants have a right to copies of these records under the Freedom of Information and Data Protection Acts.

This policy will be reviewed every three years unless DfE guidance deems an earlier review.

Appendix 1

Trinity federation **Complaint form**

Please complete and return to the headteacher who will acknowledge receipt and explain what action will be taken. Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

E-Mail address:

Please give details of your complaint.

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

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

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

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

APPENDIX 2

HOW THE GOVERNORS' COMPLAINTS PANEL WILL RUN

Although the panel will follow formal procedures, the hearing should be conducted as informally as possible. Extra care will need to be taken if the hearing involves a child or young person being present.

1. Both the complainant and the school are invited to attend the panel and arrive at the same time.
2. The chair of the panel will introduce everyone and set out that the remit of the panel is to investigate the complaint. They will do this by allowing each party the opportunity to put their case without undue interruption.
3. Any witnesses or representatives are only required to attend to give their supporting information and must leave once they have done so unless invited to stay by the Panel.
4. The complainant is given the opportunity to state their case. The panel and the headteacher have the opportunity to ask any questions.
5. The headteacher is given the opportunity to state the school's case. The panel and the complainant have the opportunity to ask any questions.
6. The complainant is invited to sum up their complaint.
7. The headteacher is invited to sum up the school's actions and response to the complaint.
8. The chair lets both parties know how they will be notified of the panel's findings, within agreed timescales. The chair draws the meeting to a close.
9. Both parties leave at the same time and the panel withdraws to make their findings.

THE GOVERNORS' COMPLAINTS PANEL: ROLES AND RESPONSIBILITIES OF

THOSE INVOLVED IN THE PROCESS

The Complainant

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:-

- co-operates with the school in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance as needed;
- treats all those involved in the complaint with respect.

The Complaints Co-ordinator (or headteacher)

Complaints policy

The complaints co-ordinator should:-

- ensure that the complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- liaise with staff members, headteacher, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure;
- keep records;
- be aware of issues regarding:-
 - sharing third party information;
 - Additional support - this may be needed by complainants when making a complaint including interpretation support.

The Investigator

The Investigator is the person involved in Stages 1 and 2 of the procedure. The Investigator's role can include:-

- 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;
 - consideration of records and other relevant information;
 - interviewing staff and children/young people and other people relevant to the complaint;
 - analysing information;
 - effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right;
 - identifying solutions and recommending courses of action to resolve problems;
 - being mindful of the timescales to respond; and
 - responding to the complainant in plain and clear language. The person investigating the complaint should make sure that they:
 - 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.

The Clerk to the Panel

The panel must be clerked. The clerk organises the complaints panel and must:

1. Send acknowledgement on behalf of the Chair of the Governors' Panel of the written complaint within five school working days, outlining the next steps
2. Arrange membership of the panel, in discussion with the chair of governors, which should be three governors who have no prior knowledge of the complaint
3. Set the date, time and venue of the panel, ensuring the dates are convenient to all parties and that the venue and proceedings are accessible. The hearing should be set within 15 school working days (ie Term Time) after receiving the complaint. If the timescales cannot be adhered to the chair of the panel should discuss with the school and the complainant the next most appropriate date

4. Write to all parties, detailing the following:
 - Date, time and venue of hearing
 - Aims and objectives of the hearing and how it will be conducted
 - A request for any documentation that either party wishes the panel to consider. This must be with the clerk so that it can be sent to all parties at least five school working days before the hearing
 - The rights of equal access, accompaniment and representation for both the complainant and the school, ensuring that everyone is notified as to who will be attending the panel, in advance of the hearing
 - How and when the panel will reach their decision
5. At the hearing, meet and welcome the parties as they arrive ensuring there is appropriate separate waiting space
6. Ensure that both parties arrive at the panel at the same time
7. Record the proceedings and send the typed version to the chair of the panel for checking
8. Notify all parties of the panel's decision within five school working days
9. Keep confidential minutes at the school with the governing body files

The Chair of the Panel

The chair of the panel has a key role and will need to ensure that:

- The hearing is as informal as possible
- After introductions the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption
- The complainant is given the opportunity to state their case – the panel and school then have the opportunity to ask questions and clarify points
- The school is given the opportunity to state their case – the panel and complainant then have the opportunity to ask questions and clarify points
- Any witnesses or representatives are only required to attend to give supporting information
- Both parties have the opportunity to sum up
- The meeting is drawn to a close and both parties leave the panel at the same time
- The issues are discussed fully, fairly and are addressed
- The key findings of the facts are made
- The chair should also aim that:

The complainant and headteacher feel at ease

- The hearing is conducted in an informal manner with each party treating the other with respect and courtesy
- The panel is open minded and acting independently
- No member of the panel has a vested interest in the outcomes of the proceedings or any involvement in an earlier stage of the procedure
- Written material is seen by all parties. If a new issue arises the chair can give all parties the opportunity to consider and comment on it

Panel Member

Panellists will need to be aware that:-

- it is important that the review panel hearing is independent and impartial, and that it is seen to be so; No governor 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 hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant; However, it must be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- many complainants will feel nervous and inhibited in a formal setting; Parents/carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing; Careful consideration of the atmosphere and proceedings will 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 hearing, if any, the child/young person needs to attend. The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests.
- The welfare of the child/young person is paramount.

Notification of the Panel's Decision

The chair of the panel must ensure that the complainant and the school are notified of the panel's decision. This notification will be within five working days of the panel convening.

The panel will either:

- Uphold the complaint
- Reject the complaint
- Uphold the complaint in part
- The letter must explain any further rights of appeal and if so, who to contact.

APPENDIX 3

COMPLAINTS NOT IN SCOPE OF THE PROCEDURE

Below are a list of exceptions Trinity federation Complaints policy, for which there are separate (statutory) procedures.

- Admissions to schools
- Statutory assessments of Special Educational Needs (SEN)
- School re-organisation proposals
- Matters likely to require a Child Protection Investigation

- Exclusion of children from school

- Whistleblowing

- Staff grievances and disciplinary procedures

- Complaints about services provided by other providers

For school admissions,
<http://www.staffordshire.gov.uk/education/schoolsandcolleges/admissions/admissionappeals/home.aspx>

For SEN:

<https://www.staffordshire.gov.uk/education/welfareservice/SpecialEducationalNeeds/spps/Documents/2014-Code-of-Practice-Summary-amended-FINAL.pdf>

For Child Protection:

Telephone: 0800 1313 126

Emergency out of hours: 0345 604 2886

Fax: (01785) 854223

Email: firstr@staffordshire.gov.uk .

Further information about raising concerns about exclusion can be found at:

www.gov.uk/schooldiscipline-exclusions/exclusions

Schools Whistleblowing Policy

Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at:

whistleblowing@ofsted.gov.uk or by writing to:

WBHL, Ofsted

Piccadilly Gate

Store Street

Manchester M1 2WD.

The Department for Education is also a prescribed body for whistleblowing in education.

These matters will invoke the school's internal grievance procedures.

Complainants will not be informed of the outcome of any investigation.

Providers should have their own complaints procedure to deal with complaints about

APPENDIX 4

Interviewing Best Practice Tips

Children/young people

- Children/young people should be interviewed in the presence of another member of staff, or in the case of serious complaints (e.g. where the possibility of criminal investigation exists) in the presence of their parents/carers. However, it might not always be possible to conduct an interview in case it prejudices a LADO or police investigation.
- Care should be taken in these circumstances not to create an intimidating atmosphere.
- Children/young people should be told what the interview is about and that they can have someone with them.

Staff/Witnesses

- Explain the complaint and your role clearly to the interviewee and confirm that they understand the complaints procedure and their role in it.
- Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.
- Use open, not leading questions.
- Do not express opinions in words or attitude.
- Ask single not multiple questions, i.e. one question at a time.
- Try to separate 'hearsay' evidence from fact by asking interviewees how they know a particular fact.
- Persist with questions if necessary. Do not be afraid to ask the same question twice. Make notes of each answer given.
- Deal with conflicting evidence by seeking corroborative evidence. If this is not available, discuss with the complaints co-ordinator/ headteacher/ Chair of Governors the option of a meeting between the conflicting witnesses.
- Make a formal record of the interview from the written notes as soon as possible while the memory is fresh. Show the interviewee the formal record, ask if s/he has anything to add, and to sign the record as accurate.

APPENDIX 5

Further information

Useful Resources and External Organisations

- National Governors Association
- Information Commissioner's Office

Other Relevant Departmental Advice and Statutory Guidance

- Section 29 of the Education Act 2002
- Governors Handbook
- Understanding and Dealing with Issues Relating to Parental Responsibility

Other Departmental Resources

- How to complain about a school - Advice for complainants
 - Parental Responsibility Guidance – non-statutory advice for schools

Model Forms

***[Name of school]* School: Meeting Request Form**

I wish to meet *[name of teacher]* to discuss the following matter:

Brief details of topic to be discussed:

Dates/times when it would be most convenient for a meeting:

Your name:

Relationship with school (e.g. parent of a pupil on the school roll):

Pupil's name (if relevant to the matter to be discussed)

Your Address:

Telephone numbers

Daytime:

Evening:

e-mail address:

Signed

Date

[Please complete this form and return it to the school office]

School use:

Date Form received:

Date response sent:

Received by:

Response sent by:

[Name of School] School Formal Complaint Form

Please complete this form and return it to the school office or to the Head Teacher who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:

Relationship with school (e.g. parent of a pupil on the school roll):

.....

Pupil's name (if relevant to your complaint):

.....

Your Address:

Telephone numbers

Daytime:

Evening:

E-mail address:

Please give concise details of your complaint, (including dates, names of witnesses etc...), to allow the matter to be fully investigated:

You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached =

What action, if any, have you already taken to try to resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?)

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

School use:

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:			
Date:			

[Name of school] School Complaint Review Request Form

Please complete this form and return it to Head Teacher (or Clerk to the governing body), who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:

Your Address:

Telephone numbers:

Daytime:

Evening:

E-mail address:

Dear Sir

I submitted a formal complaint to the school on and am dissatisfied by the procedure that has been followed.

My complaint was submitted to and I received a response from on

I have attached copies of my formal complaint and of the response(s) from the school.

I am dissatisfied with the way in which the procedure was carried out, because:

You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached =

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

Date:

School use

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Request referred to:			
Date:			