



# Triumph Learning Trust

Aspiration - Collaboration - Innovation

## Complaints Policy

### Policy Details

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## Contents

1. Introduction .....	3
2. Scope of Policy .....	3
3. Responsibilities .....	4
The Complainant.....	4
The Investigator .....	4
The Complaints Co-ordinator.....	4
4. Differences between a Concern and a Complaint .....	4
5. Time scales for raising a complaint.....	5
6. Raising concerns .....	5
Who should I approach?.....	5
7. Safeguarding .....	6
8. Complaints that result in staff capability or disciplinary .....	6
9. Timeline.....	6
10. Complaints Procedure .....	8
Stage 1 – Informal Investigation .....	8
Stage 2 – Formal Investigation.....	8
Stage 3 – Appeal to an Independent Panel .....	9
11. Unreasonable complaints .....	11
12. External Organisations for Complaint Resolution .....	12
13. Record keeping .....	12
14. Appendices.....	13
Appendix 1 – Complaint Form .....	14

## 1. Introduction

Triumph Learning Trust endeavours to provide the best education possible 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.

This policy and procedure explain what you should do if you have any concerns about the Trust or one of its schools. All members of staff will be familiar with the procedure and will be able to assist you.

Please note that complainants must treat Trust staff with respect and ensure that they do not become aggressive or abusive at any stage of the process. Unacceptable behaviour includes making insulting comments about, or threats towards Trust staff. If a complainant continues to show unacceptable behaviour, the Trust reserves the right to discontinue the complaint.

This document meets the requirements set out in part 7 of the schedule to 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.

## 2. Scope of Policy

Only parents of current pupils at our schools can make a complaint under this policy. Third parties who are not parents of pupils at our schools may raise a concern under this policy to the Headteacher of the school in question.

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. This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistleblowing
- Staff grievances
- Staff discipline
- Withdrawal from the curriculum (parents and carers can withdraw their child from

any aspect of religious education, including the daily act of collective worship. They do not have to explain why.)

- Pupil attendance
- Subject Access Requests and Freedom of Information Requests

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

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

### 3. Responsibilities

#### The Complainant

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures;
- Co-operate with the school throughout the process, and respond to deadlines and communication promptly;
- Ask for assistance as needed;
- Treat all those involved with respect;
- Not publish details about the complaint on social media. Triumph Learning Trust requests that complainants do not discuss complaints publicly via social media such as Facebook and twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

#### The Investigator

An individual will be appointed to look into the complaint, and establish the facts. They will:

- Interview all relevant parties, keeping notes;
- Consider records and any written evidence and keep these securely;
- Prepare a comprehensive report to the headteacher, CEO or complaints committee which includes the facts and potential solutions.

#### The Complaints Co-ordinator

The complaints co-ordinator will provide administrative support and keep a central record of the outcome of any complaint.

For complaints being handled through stages 1 and 2 of this procedure the complaints co-ordinator will be the School Operations Manager.

For complaints being handled through stage 3 of this procedure the complaints co-ordinator will be either the CEO or another Executive Leader.

### 4. Differences between a Concern and a Complaint

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”;

- A **complaint** is 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 policy. All Trust schools take concerns seriously and will make every effort to resolve the matter as quickly as possible.

## 5. Time scales for raising a complaint

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident. 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. When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period. If at any point we cannot meet the time scales we have set out in this policy, we will set new time limits with the complainant and send the complainant details of the new deadline and explain the delay.

## 6. Raising concerns

The majority of concerns can be dealt with without resorting to the procedure. Where you have a concern about any aspect of the Trust/school or your child’s education or wellbeing, raise this first with your child’s class/form teacher or Head of Year via the phone, email or in person. All teachers are happy to have an informal discussion with parents and ideally, they will be able to address your concerns on the spot or can arrange a meeting with you to discuss the issue.

All concerns will be dealt with confidentially, although the staff member may need to take notes if they feel that the matter may need to be taken further, or it may arise again in the future. Any such notes will be kept in accordance with the principles of the Data Protection Act 2018. However, such notes would be able to be used as evidence if further investigation was required, or if the concern became a formal complaint.

### Who should I approach?

Who is best to approach regarding your concern will depend on the exact situation and the reasons for your concern. As a guide, the following people would be a good first contact point:

- Educational matters: Class Teacher, Year Group Leader or Head of Year
- Pastoral care: Class Teacher, Year Group Leader or Head of Year – a meeting may be arranged for you to meet with a member of the pastoral team.
- Disciplinary matters: Headteacher or Deputy Headteacher
- Financial/Administration matters: School Operations Manager
- Complaint about a staff member’s conduct: direct approach to the staff member themselves. Where this does not resolve the situation, the Year Group Leader and

then the Headteacher or Deputy Head should be approached

- School or Trust Leadership: Headteacher or CEO

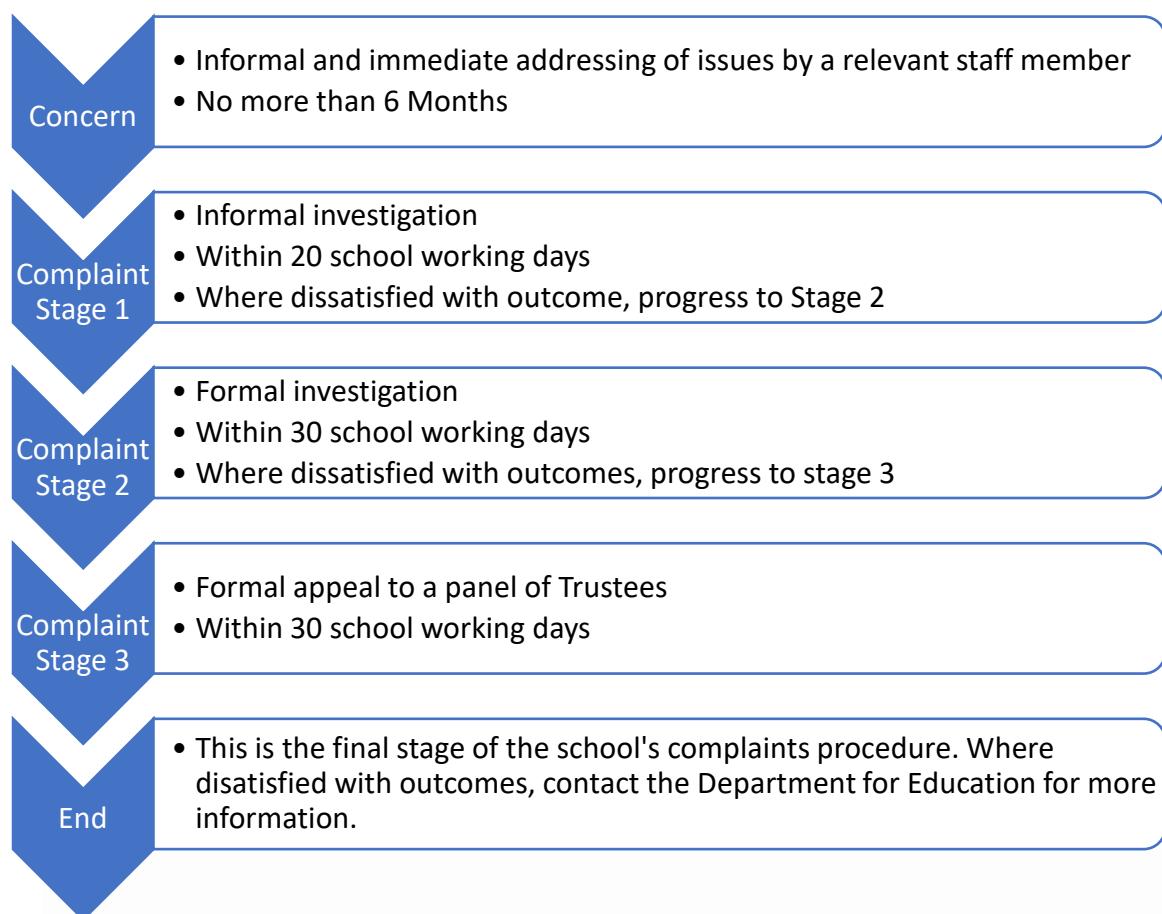
## 7. Safeguarding

Wherever a complaint indicates that a child's wellbeing or safety is at risk, the Trust is under a duty to report this immediately to the local authority. Any action taken will be in accordance with the school's safeguarding policy. A copy of this is on the website.

## 8. Complaints that result in staff capability or disciplinary

If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the Headteacher and/or the individual's line manager. The complainant is entitled to be informed that action is being taken and the eventual outcome of any such action, but they are not entitled to participate in the proceedings or receive any detail about them.

## 9. Timeline



## 10. Complaints Procedure

### Stage 1 – Informal Investigation

Where, as a result of raising a concern, the complainant still feels that the issue has not been addressed, or where the outcome has been that the complaint needs further investigation than can be resolved briefly, they may progress by making an informal complaint by contacting the Year Group Leader or Senior Leader for that year group.

Where a complaint is in regard to the Headteacher or anyone within the Trust Shared Services, the complainant should first directly approach the person in an attempt to resolve the issue informally.

Where a complaint is in regard to the CEO, the complainant should first directly approach the CEO in an attempt to resolve the issue informally.

The complainant must explain in writing:

- An overview of the complaint so far;
- Who has been involved;
- Why the complaint remains unresolved;
- Action they would like to be taken to put things right.

The Year Group Leader/Senior Leader will respond within 5 working days (excluding those which fall in the school holidays) of having received the written complaint. They will explain what action they intend to take. The staff member will provide a written confirmation of the outcome of their investigation within 15 working days (excluding those which fall in the school holidays) of having sent confirmation of the intended action. Where the complainant is not satisfied with the outcome, they are able to progress to stage 2 of the complaints process and launch a formal written complaint.

The staff member will make a record of the concern and the outcomes of the discussion. This will be sent to the Complaint Co-ordinator, who will ensure the record is held centrally for twelve months, in line with the principles of the Data Protection Act 2018.

### Stage 2 – Formal Investigation

The complainant may submit a formal complaints form to the Headteacher/Deputy Headteacher or other member of the Senior Leadership Team at the school.

Where a complaint is in regard to the Headteacher or anyone within the Trust Shared Services, they should notify the CEO. The Stage 2 process will then commence, but with the CEO as the individual responsible for the investigation.

Where a complaint is in regard to the CEO, they should notify the Chair of Trustees. The Stage 2 process will then commence, but with the Chair of Trustees as the individual responsible for the investigation.

The Senior Leader receiving the formal complaint form will respond in writing within 10 working days (excluding those that fall in the school holidays) of the date of receipt of the complaint to acknowledge receipt of the complaint and explain what action will be taken, giving clear timeframes.

A log of all correspondence in relation to the complaint will be kept in accordance with the Data Protection Principles.

The Senior Leader will consider all relevant evidence; this may include but is not limited to:

- a statement from the complainant;
- where relevant a statement from an individual who is the subject of the complaint;
- any previous correspondence regarding the complaint;
- any supporting documents in either case;
- interview with anyone related to the complaint.

The Senior Leader may decide to have a meeting with the complainant (and where relevant, the subject of the complaint) if they feel that it would be appropriate for the investigation.

After considering the available evidence, the Senior Leader can:

- Uphold the complaint and direct that certain action be taken to resolve it;
- Reject the complaint and provide the complainant with details of the stage three appeals process;
- Uphold the complaint in part: in other words, the Senior Leader may find one aspect of the complaint to be valid, but not another aspect. They may direct for certain action to be taken to resolve the aspect that they find in favour of the complainant.

The Senior Leader must inform the complainant of their decision in writing within 30 working days (excluding those that fall in the school holidays) of having issued written acknowledgement of the receipt of the complaint. They must explain clearly why they have come to the decision that they made. They must detail any agreed actions as a result of the complaint, except for any details which must remain confidential in line with this policy. Finally, they must provide the complainant with details of how to progress the complaint to stage three if they are not satisfied.

The staff member will record the details and outcomes of the investigation in an investigation report. This will be sent to the Complaint Co-ordinator, who will ensure the record is held centrally for twelve months, in line with the principles of the Data Protection Act 2018.

### **Stage 3 – Appeal to an Independent Panel**

If the complainant wishes to appeal a decision by a Senior Leader at stage 2 of the procedure, or they are not satisfied with the action that the Senior Leader took in relation to the complaint, the complainant is able to appeal this decision.

They must write to the School Operations Manager via the school office as soon as possible after receiving notice of the Senior Leader's decision, briefly outlining:

- The content of the complaint and requesting that a complaints appeal panel is convened;
- The action they would undertake like to resolve the complaint;
- The grounds for the appeal, for example:

- Procedure not correctly followed;
- Serious flaws in the decision-making process;
- Facts were omitted from the investigation and decision or have since come to light (new evidence).

The School Operations Manager will notify the Complaints Co-ordinator for stage 3, who will fulfil the role of organising the time and date of the appeal hearing, inviting all the attendees, collating all the relevant documentation and distributing this 5 days in advance of the meeting, recording the proceedings in the form of minutes, and circulating these and the outcome of the meeting. The support of the Clerk to the Board of Trustees may be organised for the review. The complainant must request an appeal panel within 4 weeks of receiving the Senior Leader's decision or it will not be considered, except for in exceptional circumstances. On receipt of this written notification, the following steps will be followed:

- The School Operations Manager will write to the complainant within five working days (not including the school holidays) to confirm receipt of the appeal request and detail further action to be taken.
- The Complaints Co-Ordinator will convene a panel of two academy trustees and one independent member. All three panel members will have no prior knowledge of the content of the complaint.
- The appeal hearing will take place within 30 working days (excluding those which fall in the school holidays) of receipt of the date of the confirmation letter from the School Operations Manager to the complainant, confirming the appeal.
- In addition to the panel, the following parties will be invited, where applicable:
  - the complainant;
  - the Senior Leader who dealt with the complaint at Stage 2;
  - where the complaint regards a member of staff, the staff member who is the subject of the complaint.

The complainant is also able to bring a companion with them to the hearing if they wish. Where the subject of the complaint is a member of staff, that staff member is also able to bring a companion or a colleague with them. Please note that where a staff member wishes to bring a colleague the meeting would need to be arranged out of work hours to avoid disruption to the school day.

The companion will be a friend or a colleague. Neither party is able to bring legal representation with them. If after the hearing any party feels that legal action is necessary, then they should do so through their own legal representative.

- If the attendance of any pupils is required at the hearing, parental permission will 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.
- Where the complaint is about a governor/trustee, the complainant may request that the appeal is heard by an entirely independent panel. It is at the discretion of the Trust. Where an entirely independent panel is required, timescales may be affected

while the school source appropriate individuals for the review.

- The panel can make the following decisions:
  - Dismiss the complaint in whole or in part;
  - Uphold the complaint in whole or in part;
  - Decide on the appropriate action to be taken to resolve the complaint;
  - Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.
- All parties who attended the meeting will be informed in writing of the outcome of the appeal within 5 working days (excluding those which fall in the school holidays).

This is the final stage at which the Trust will consider the complaint. If the complainant remains dissatisfied and wishes to take the complaint further, please see the details at the end of the document. The school will not consider the complaint beyond this.

## **11. Unreasonable complaints**

Where a complainant raises an issue that has already been dealt with via the Trust's complaints procedure, and that procedure has been exhausted, the Trust will not reinvestigate the complaint except in exceptional circumstances, for example where new evidence has come to light.

If a complainant persists in raising the same issue, the Headteacher will write to them explaining that the matter has been dealt with fully in line with the Trust's complaints procedure, and therefore the case is now closed. The complainant will be provided with the contact details of the Department for Education (see the end of this document) if they wish to take the matter further.

Unreasonable complaints include the following scenarios:

- The complainant refuses to co-operate with the Trust's relevant procedures;
- The complainant changes the basis of the complaint as the complaint progresses;
- The complainant seeks an unrealistic outcome;
- Excessive demands are made on the time of staff and Trustees and it is clearly intended to aggravate;
- The complaint could be considered frivolous or vexatious;
- The complainant acts in a way that is abusive or offensive.

The Headteacher will use their discretion to choose not to investigate these complaints. Where they decide to take this course of action, they must inform the CEO and Chair of Trustees that they have done so, explaining the nature of the complaint and why they have chosen not to investigate. If the CEO or Chair deems it appropriate to, they can redirect the Headteacher to investigate the complaint. The full complaints procedure will commence from stage one on this direction.

If the CEO and Chair upholds the Headteacher's decision not to look into the complaint and the complainant deems this decision to be so unreasonable that no other rational body in the

same position would have made that decision, then the complainant may write to the Department for Education (see the contact details at the end of the document).

## **12.External Organisations for Complaint Resolution**

If you have any queries regarding any aspect of the complaints procedure, please direct these to the School Operations Manager.

If the complainant remains dissatisfied with the outcome of the complaint's procedure, they may contact the Chair of Trustees by letter through the appropriate school within the Trust.

If the complainant feels that the Trustee board acted 'unreasonably' in the handling of the complaint, they can complain to the Department for Education after the complaint's procedure has been exhausted. Please note that unreasonable is used in a legal sense and means acting in a way that no reasonable school or authority would act in the same circumstances. Information can be found on the DfE website: <https://www.gov.uk/complain-about-school>.

Ofsted will also consider complaints about schools and Trusts.

## **13.Record keeping**

The Trust 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 letters and emails, and notes relating to meetings and phone calls. This material will be treated as confidential and held centrally and will be viewed only by those involved in investigating the complaint or on the review panel. This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request 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 securely, only for as long as necessary and in line with data protection law, our privacy notices.

## 14. Appendices

Appendix 1	Complaint Form
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## Appendix 1 – Complaint Form

Also available on the Trust website as a Word Form.

### Triumph Learning Trust Formal Complaints Form

Complainant Name	
Organisation (where applicable)	
Name of pupil (where applicable)	
Pupil Year Group / Form	
Your relationship to the pupil	
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:	

*Official Use by Trust*

Date Received:	
Signed:	
Investigating Officer assigned to:	