



# Complaints Policy and Procedure

**Date Adopted:** May 2024

**Author/owner:** Board of Trustees (Operations, Audit and Risk Committee)

**Review:** Annual or in response to legislative change

**NB.** 'Trustees' means the Directors referred to in the Trust's Articles of Association.

'School' and 'Trust' are used interchangeably throughout the Policy.

If you require an accessible copy of the Complaints Policy and Procedure, please contact the School office.

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## History of most recent policy changes

Version	Date	Page	Change	Origin of Change e.g. TU request, Change in legislation
V1	April 2024	Whole document	New complaints policy to replace previous version	<ul style="list-style-type: none"> <li>• Clarity of different stages of the complaints process, including greater use of the informal stage;</li> <li>• Additional detail on persistent complaints and steps School will take in response to unreasonably persistent/vexatious complaints;</li> <li>• Details of complaints which are in scope of the policy and those which should be dealt with under other procedures;</li> <li>• Details of new requirement for logging stage 2 and stage 3 complaints and monitoring by Trustees;</li> <li>• Updated complaints form, agenda template and interview template that must be used by Schools for consistency.</li> </ul>

## Introduction

The Tarka Learning Partnership is committed to ensuring that all pupils are provided with a first-class educational experience and that each School works in a productive and positive partnership with all parents and carers.

However, if a parent/carer feels that a situation has arisen that they are unhappy about then they have a right to make a complaint. Any and every complaint made will be taken seriously and dealt with swiftly and professionally. All parents/carers will be made aware of this policy and the procedures to follow if they wish to make a complaint.

This policy outlines how parents/carers of registered pupils/students currently attending Schools within the Trust can raise a concern or complaint. Concerns or complaints from other persons are also dealt with in this policy.

This policy should be used in conjunction with the Parent, Carer and Visitor Communication and Behaviour Policy, which aims to provide a positive framework of expectations in which relationships with parents/carers should be set and maintained. Other linked policies are referenced in Section 13.

## 1. Aims

Our Trust Schools aim to meet their statutory obligations when responding to complaints from parents of pupils at the School, and others.

When responding to complaints, we aim to:

- › Be impartial
- › Facilitate a full and fair investigation by an independent person or panel, where necessary
- › Address all the points at issue and provide an effective and prompt response
- › Respect complainants' desire for confidentiality
- › Treat complainants with respect and courtesy
- › Make sure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- › Keep complainants informed of the progress of the complaints process
- › Consider how the complaint can feed into School improvement evaluation processes

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

The School will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will make sure we publicise the existence of this policy and make it available on the School website.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

## 2. Legislation and guidance

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).

## 3. Definitions and scope

### 3.1 Definitions

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 important to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

The policy which follows deals with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally.

In most cases the class teacher/relevant member of staff or Head Teacher will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

The formal procedures will need to 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. Schools will log any stage 2 or 3 complaints. Tarka Learning Partnership's Trustees will monitor the complaints data on a termly basis.

### 3.2 Scope

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
- Suspension and permanent exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline
- Managing Allegations against Staff
- 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)
- Fulfilment of early years requirements

Please see our separate policies for procedures relating to these types of complaint. Any allegations made under HR policies will be dealt with through Trust internal processes; findings will not be made available to complainants.

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

#### Dealing with Complaints about SEND Provision

Any concerns or complaints about SEND provision by parents or carers should be initially raised informally, whether by e-mail, letter or a telephone call with the School's SENDCo. The SENDCo will investigate and report back within a week.

If the parents/carers continue to be dissatisfied, a complaint should be raised as per the formal procedure within this complaints procedure by completing Appendix 1.

### **Dealing with Complaints about GDPR**

John Walker, Data Protection Officer, is responsible for dealing with all GDPR-related. The complaints policy sets out the complaints process. This will be the basis for dealing with Data Protection Complaints and appeals. A written outcome will be provided.

If the School does not comply with a Subject Access Request within 1 month (subject to any extension), or refuses all or part of the request, written reasons will be provided, setting out the principles for the refusal.

If you feel that the School/Trust has not dealt with your matter satisfactorily you can complaint to the Information Commissioner.

We use Transport Layer Security (TLS) to encrypt and protect email traffic. If your mail server does not support TLS, you should be aware that any emails you send to us may not be protected in transit.

By post:

Customer Contact, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, SK9 5AF

Or by email: [casework@ico.org.uk](mailto:casework@ico.org.uk)

More information is on the ICO website [www.ico.org.uk/](http://www.ico.org.uk/)

## **4. Roles and responsibilities**

### **4.1 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
- › Do not publish details about the complaint on social media

### **4.2 The investigator**

An individual will be appointed to look into the complaint and establish the facts. Wherever possible, the investigator will be independent of the event or issue and will conduct a full and fair investigation. They will:

- › Keep the complainant up to date at each stage in the procedure
- › Interview all relevant parties, keeping notes
- › Consider records and any written evidence and keep these securely
- › Prepare a comprehensive report to the Head Teacher or review panel, which includes the facts and potential solutions
- › Be aware of issues relating to:
  - Sharing third-party information
  - Additional support needed by complainants; for example, interpretation support or where the complainant is a child or young person

### 4.3 The complaints officer

The officer with responsibility for ensuring that this policy is implemented is the Chief Executive Officer at Tarka Learning Partnership.

Complainants should be aware that Head Teachers may refer complaints received to the Chief Executive Officer at Tarka Learning Partnership because they consider the matter is one of such a nature that it should be investigated independently of the School.

Likewise, complaints may be retrieved and dealt with by the Tarka Learning Partnership for the same reason. Where a complaint is made direct to the Tarka Learning Partnership, it will be forwarded to the School unless it is retrieved as stated above.

The Chief Executive Officer may decide to delegate the handling of the complaint to a member of the Trust's central team or Head Teacher where it decides to manage the complaint at Trust level rather than School level.

### 4.4 Clerk to the review panel

The clerk will:

- › Be the contact point for the complainant and the review panel, including circulating the relevant papers and evidence before review panel meetings
- › Arrange the complaints hearing
- › Record and circulate the minutes and outcome of the hearing

### 4.5 Review panel chair

The committee chair will:

- › Chair the meeting, ensuring that everyone is treated with respect throughout
- › Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

## 5. Principles for investigation

When investigating a complaint, we will try to clarify:

- › What has happened
- › Who was involved
- › What the complainant feels would put things right

### 5.1 Timescales

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 timeframe 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 timescales we have set out in this policy, we will:

- › Set new time limits with the complainant
- › Send the complainant details of the new deadline and explain and apologise for the delay

## 6. Stages of complaint (not complaints against the Head Teacher or Representatives)

### 6.1 Stage 1: informal

The School will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the Head Teacher, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the School office by phone/email (see School website for contact details).

The School will acknowledge informal complaints within 5 School days, and investigate and provide a response within 10 School days. If the response can not be given within 10 School days, School will write to the complainant explaining the reason for the delay and providing a revised response date.

The informal stage will involve a meeting between the complainant and the staff member, or Head Teacher, and the subject of the complaint, if appropriate]. A written record of the meeting will be made.

If the complaint is not resolved informally, it will be escalated to a formal complaint. The complaint will only be escalated to stage 2 if the complainant has complied with stage 1.

### 6.2 Stage 2: formal

The formal stage involves the complainant putting the complaint to the Head Teacher and/or the subject of the complaint:

- › Through completing the complaints form (Appendix 1)

The complainant should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

If complainants need assistance raising a formal complaint, they can contact the School office by phone/email (see School website for contact details).

The Head Teacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 School days. If the Head Teacher requires any further clarification from the complainant once a formal complaint has been received, the complainant will need to respond within 5 School days.

The Head Teacher (or other person appointed by the Head Teacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 10 School days.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the clerk to the School Community Board, with a copy to the Head Teacher, in writing within 5 School days.

### 6.3 Stage 3: review panel

#### Convening the panel

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal stage. The complaint will only be escalated to stage 3 if the complainant has complied with stage 2. A copy of the complaints form from stage 2 will be provided to the panel as part of the supporting paperwork.

The panel will be appointed by or on behalf of the School and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the School; this can include Representatives/Governors from other Schools both within and outside of the Trust. The panel cannot be made up solely of the School's School Community Board Representatives, as they are not independent of the management and running of the School.

The panel will have access to the existing record of the complaint's progress (see section 10).

The complainant must have reasonable notice of the date of the review panel. The clerk will aim to find a date within 20 School days of the request, where possible.



If the complainant rejects the offer of 3 proposed dates without good reason, the clerk will set a date. The hearing will go ahead using written submissions from both parties.

Any written material will be circulated to all parties at least 5 School days before the date of the meeting.

### **At the meeting**

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

At the review panel meeting, the complainant and representatives from the School, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish. We don't encourage either party to bring legal representation, but will consider it on a case-by-case basis. For instance, if a School employee is called as a witness in a complaint meeting, they may wish to be supported by their union.

Representatives from the media are not permitted to attend.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

The panel, the complainant and the School representative(s) will be given the chance to ask and reply to questions. Once the complainant and School representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the proprietor and Head Teacher.

### **The outcome**

The committee can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part

If the complaint is upheld, the committee will:

- Decide the appropriate action to resolve the complaint
- Where appropriate, recommend changes to the School's systems or procedures to prevent similar issues in the future

The School will inform those involved of the decision in writing within 5 School days.

The review panel concludes the Trust's internal processes. Please see section 8 for referring complaints on completion of the School's procedure.

## **7. Complaints against the Head Teacher, a Representative or the School Community board**

### **7.1 Stage 1: informal**

Complaints made against the Head Teacher or any member of the School Community Board should be directed to the chair to the School Community Board in the first instance. Contact details for the chair can be found on the relevant school's website.

The chair of the School Community Board should inform the Trust's Deputy CEO, seeking the Deputy CEO's contact details from the Trust's office staff. The Trust will determine the procedure for the complaint and appoint a suitably skilled and impartial investigator to carry out the steps at stage 1 (set out in section 6 above).

## 7.2 Stage 2: formal

If the complaint is:

- › Jointly about the chair and vice-chair or
- › The entire School Community Board or
- › The majority of the School Community Board

An independent investigator will carry out the steps in stage 2 (set out in section 6 above). They will be appointed by the School Community Board or diocese, and will write a formal response at the end of their investigation.

## 7.3 Stage 3: review panel

If the complaint is:

- › Jointly about the chair and vice-chair or
- › The entire School Community Board or
- › The majority of the School Community Board

A committee of independent Representatives will hear the complaint. They will be sourced from local Schools, the local authority or diocese and will carry out the steps at stage 3 (set out in section 6 above).

The review panel concludes the Trust's internal processes. Please see section 8 for referring complaints on completion of the School's procedure.

## 8. Referring complaints on completion of the School's procedure

If the complainant is unsatisfied with the outcome of the School's complaints procedure, they can refer their complaint to the Education and Skills Funding Agency (ESFA). The ESFA will check whether the complaint has been dealt with properly by the School. The ESFA will not overturn a School's decision about a complaint, but will intervene if a School or trust has:

- › Breached a clause in its funding agreement
- › Failed to act in line with its duties under education law
- › Acted (or is proposing to act) unreasonably when exercising its functions

If the School's complaints procedure is found to not meet regulations, the School will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

[www.gov.uk/complain-about-School](http://www.gov.uk/complain-about-School)

We will include this information in the outcome letter to complainants.

## 9. Persistent/vexatious complaints

### 9.1 Unreasonably persistent/vexatious complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- › Has made the same complaint before, and it's already been resolved by following the School's complaints procedure
- › Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- › Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure, beyond all reason

- › Pursues a valid complaint, but in an unreasonable manner, e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the timeframes it sets out
- › Makes a complaint designed to cause disruption, annoyance or excessive demands on School time
- › Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

### **Steps we will take**

We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the School in a disruptive way, we may put communications strategies in place. We may:

- › Give the complainant a single point of contact via an email address
- › Limit the number of times the complainant can make contact, such as a fixed number per term
- › Ask the complainant to engage a third party to act on their behalf, such as [Citizens Advice](#)
- › Put any other strategy in place as necessary

### **Stopping responding**

We may stop responding to the complainant when all or some of these factors are met:

- › We believe we have taken all reasonable steps to help address their concerns
- › We have provided a clear statement of our position and their options
- › The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

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

## **9.2 Duplicate complaints**

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- › Tell the new complainant that we have already investigated and responded to this issue, and that the local process is complete
- › Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

## **9.3 Complaint campaigns**

Where the School receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the School, the School may respond to these complaints by:

- › Publishing a single response on the School website
- › Sending a template response to all of the complainants

If complainants are not satisfied with the School's response, or wish to pursue the complaint further, the normal procedures will apply.

## **10. Record keeping and confidentiality**

The School will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and stored securely, 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 and records management policy/record retention schedule.

The details of the complaint, including the names of individuals involved, will not be shared with the whole School Community Board in case a review panel needs to be organised at a later point.

Where the School Community Board is aware of the substance of the complaint before the review panel stage, the School will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the School Community Board, who will not unreasonably withhold consent.

## 11. Learning lessons

The School Community Board will review any underlying issues raised by complaints with the Head Teacher, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the School can make to its procedures or practice to help prevent similar events in the future.

## 12. Monitoring arrangements

The Board of Trustees will monitor the effectiveness of the complaints procedure on a termly basis, making sure that complaints are handled properly. The Board of Trustees will track the number and nature of complaints, and review underlying issues as stated in section 11.

The complaints records are logged and managed by School, and reported termly to the Trust's Information and Governance Leader.

This policy will be reviewed and approved by the board of Trustees every 2 years.

At each review, the policy will be acknowledged by the School Community Board.

## 13. Links with other policies

Policies dealing with other forms of complaints include:

- › Child protection and safeguarding policy and procedures
- › Equality, Diversity and Inclusion Policy
- › School Behaviour Policy and Anti-Bullying Policy
- › Admissions policy
- › Suspension and permanent exclusion policy
- › Staff grievance procedures
- › Staff disciplinary procedures
- › Special educational needs policy and information report
- › Home School Agreement

- Accessibility Policy
- Privacy notices
- Data Protection Policy
- Parent, Carer and Visitor Communication and Behaviour Policy
- Early Years Policy
- Managing Allegations against Staff

## Appendix 1: Tarka Learning Partnership Complaint Form

The Trust is keen to resolve concerns and complaints quickly and informally and stage one will always be used in the first instance.

If a complaint is not resolved at stage one, we would ask you to fill in all sections of this form and **return it to the Head Teacher at the School.**

Your Name	
Your Child's Name (if applicable)	
Main Contact Telephone Number	
Email Address	

*We collate your personal information to allow us record, investigate and respond to your complaint, and also for quality control purposes. We use the information provided to verify your identity where required, contact you by post, email or telephone.*

Please provide details of your complaint, including as much detail as possible e.g. dates, description of what happened, names of those involved if known
If needed, please continue on a separate sheet

Date you reported the incident/issue to the School?	
Who did you report the incident/issue to?	
What response did you receive?	

Have you already made a complaint about this incident/issue to the School?	YES/NO <i>*Please delete as applicable</i>
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*If Yes, please confirm when and who you reported it to and what steps at informal stage you have taken to resolve your concern:*

Please detail below what you feel would be the best way to resolve your complaint and the outcome you are looking for to bring the matter to an acceptable conclusion for both yourself, and the School/Trust.

Signed:	
Dated:	

School Use:

Date received	
Date of acknowledgement	
Response due by	
Date logged	

## Appendix 2 : Agenda for a Panel Hearing

All parties will be welcomed by the Chair of the panel.

1. All parties will be asked to introduce themselves
2. The complainant will be asked to outline their complaint, inviting any witnesses to also present.
3. If witnesses are called, they will be first asked questions by the complainant, then by the Head Teacher and finally by the panel.
4. The complainant will conclude their presentation of their complaint.
5. The Head Teacher will be invited to ask questions of the complainant.
6. The Panel will ask questions of the complainant.
7. The Head Teacher will be invited to present their response to the complaint.
8. The complainant will be invited to ask questions of the Head Teacher.
9. The panel will ask questions of the Head Teacher.
10. The Head Teacher will be asked to sum up their response.
11. The complainant will be asked to sum up their complaint.
12. All parties will be thanked for their attendance and contribution and the Chair will confirm that a written response will be sent to both parties within 15 School days.

The Panel reserves the right to modify the above procedure at their sole discretion, for example requiring the parent and the School representative to present their complaint/actions separately to the Panel in the absence of the other party.



## Appendix 3: Investigation Interview Template

### Investigation Interview Template (for use in Complaints Procedure)

Date of Interview: Present (give name and job title):

Insert content of interview, ensuring to record both the question asked and the answer provided.

I, **<insert name>**, confirm that these notes are an accurate record of the interview held on **<date>**

Signed:

Date: