

## COMPLAINTS POLICY AND PROCEDURE

### Introduction

Tandridge 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 School intends for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without Prejudice

In order to do so, the Trustees of Tandridge Learning Trust have approved the following procedure which explains what you should do if you have any concerns about the Trust itself of any of our member academies. All members of staff will be familiar with the procedure and will be able to assist you.

### 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 *and should* be resolved informally, without the need to use the formal stages of the complaints procedure. TLT takes concerns and complaints seriously and will make every effort to resolve the matter as quickly as possible.

We understand, however, that there are occasions when we are unable to do so. A concern may therefore become a formal complaint. In these cases, the academy or the Trust will attempt to resolve the issue through the formal stages outlined within this complaints procedure.

### Anonymous complaints

We will not normally investigate anonymous complaints. However, the Headteacher/Head of School (HOS) 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 only 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.

See Appendix A for the scope of the complaints procedure.

## **Raising a concern or making a complaint informally**

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

In the first instance, the concern or complaint should be raised with the relevant member of staff in the specific school e.g. the class teacher or a head of department/deputy head teacher. If this does not resolve the issue, an informal meeting with the head teacher should be requested.

If the person raising the concern or complaint remains unhappy with the outcome of the informal procedure, they may then take it forward as a formal complaint.

## **Formal complaints procedure**

Complainants should not approach individual governors to raise concerns or complaints. Governors 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 about school staff (except the Headteacher/Head of School) should be made in the first instance, to the Headteacher/Head of School via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the Headteacher/Head of School/Head of School should be addressed to the Chair of Governors), via the school office. Please mark them as Private and Confidential.

Complaints about the 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.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.

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.

Tandridge Learning Trust operates a two stage formal complaints procedure, outlined below. The head teacher/local committee may seek the advice of other members of the Trust during Stage 2 if appropriate.

If the complaint is about the multi-academy trust itself, it would be handled by the CEO of the Trust and the Trust Board following a similar formal procedure.

### **Stage 1**

Formal complaints must be made to the Headteacher/Head of School (unless they are about the Headteacher/Head of School), in writing via the school office. Help in completing the form will be provided by the school if required.

The Headteacher/Head of School will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within five school days.

*Note: The Headteacher/Head of School may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.*

During the investigation, the Headteacher/Head of School (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Headteacher/Head of School will provide a formal written response within fifteen school days of the date of receipt of the complaint.

If the Headteacher/Head of School is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the Trust school will take to resolve the complaint.

The Headteacher/Head of School will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the Headteacher/Head of School, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 1.

Complaints about the Headteacher/Head of School or member of the governing body must be made to the Clerk, via the school office.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 1 will be considered by an independent investigator appointed by the governing body or the Trustees. At the conclusion of their investigation, the independent investigator will provide a formal written response.

## **Stage 2**

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with members of the governing body's complaints committee, which will be formed of the first three, impartial, governors available. This is the final stage of the complaints procedure.

A request to escalate to Stage 2 must be made to the Clerk, via the school office, within ten school days of receipt of the Stage 1 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within five school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within fifteen school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three governors from the Trust school available, the Clerk will source any additional, independent governors through another local school or through their Local Authority's Governor Services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs and the nature of the complaint.

If the complainant is invited to attend the meeting, they may bring someone with them to provide support. This can be a relative or friend. In most cases, we do not allow either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Representatives from the media are not permitted to attend.

At least ten school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least five school days before the meeting.

Any written material will be circulated to all parties at least three school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will not review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 1 of the procedure.

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

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and Trust school with a full explanation of their decision and the reason(s) for it, in writing, within fifteen school days.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 2 will be heard by a committee of independent, co-opted governors.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the Trust school will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

## **Safeguarding**

Wherever a complaint indicates that a child's wellbeing or safety is at risk, the school 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 which can be found on the school's website.

## **Social Media**

In order for complaints to be resolved as quickly and fairly as possible, Tandridge Learning Trust requests the complainants do not discuss complaints publicly on any form of social media e.g. Facebook, Twitter, and any other web-

based presence. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

### **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/Head of School and/or the individual's line manager. The complainant is entitled to be informed that the matter is being dealt with appropriately, but they are not entitled to participate in the proceedings and will not receive any detail about them or the outcome.

#### Shared parental responsibility

If concerns or complaints relate to issues caused by estrangement or shared parental responsibility, we will follow the advice provided by the DfE. There is a link to this document at the end of the procedure.

### **Complaint campaigns**

**If an academy or the Trust receives** large volumes of complaints:

- all based on the same subject
  - from complainants unconnected with the school
- the complaint will be treated as a single one. We will either:
- send a template response to all complainants, or
  - publish a single response on the school's website

### **Mediation:**

Mediation can be an effective way of resolving differences and will be offered as and when appropriate. This will usually be provided by the Area Schools Officer. Complainants are under no obligation to accept this offer and will not be prevented from taking their complaint forward to the next stage if they decline the offer of mediation.

### **Withdrawal of a Complaint**

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

### **Retention**

The complaint investigator/ the Chair of the Complaint Appeal Panel should ensure that a copy of all relevant information relating to the complaint is kept at the school in a secure, confidential file, separate from staff and pupil records. This information should be retained for six years from the date of the complaint, in line with guidance from the Information and Records Management Society ([www.irms.org.uk](http://www.irms.org.uk)) and in accordance with the principles of the current data protection legislation and guidance. The complainant should be informed that this will be done.

### **Unreasonable complaints and serial and persistent/frivolous or vexatious complainants**

Tandridge Learning Trust 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.

Tandridge Learning Trust defines serial and unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'*.

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 complaint 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.

### **Vexatious or frivolous complaints**

These are defined by the Office of the Independent Adjudicator as:

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

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/Head of School or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' judgement.

If the behaviour continues the Headteacher/Head of School will write to the complainant explaining that his/her behaviour is unreasonable and asking him/her to change it. For complainants who excessively contact any school within Tandridge Learning Trust causing a significant level of disruption, we 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 any school within Tandridge Learning Trust.

### **Barring from the School Premises**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Governing bodies have a responsibility to ensure for the wellbeing of pupils and staff, and will therefore act to ensure that schools remain a safe place.

If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Headteacher/Head of School or the local authority can notify them in writing that their implied permission 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/Head of School or Chair of Governors. However, complaints about barring cannot be escalated to the Department of 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.

The Trust and its academies will always follow DfE guidance and best practice in these situations. There is a link to the guidance at the end of this procedure.

### **Contact Details for External Organisations if not Satisfied With the Outcomes of the Complaints Procedure in Full**

- If you have any queries regarding any aspect of the complaints procedure, please direct these to the Clerk to the Governors or the Surrey County Council Area Schools Officer (see Appendix A).
- If the complainant remains dissatisfied with the outcome of the complaints procedure he/she may contact the academy trust:

Clerk to Trust Board

Tandridge Learning Trust

Tithepit Shaw Lane

Warlingham

Surrey CR6 9YB

Email: [info@tandridgelearningtrust.co.uk](mailto:info@tandridgelearningtrust.co.uk)

- If the complainant feels that the governing body acted unreasonably in the handling of the complaint, he/she can complain to the Education Funding Agency (for academies and Free Schools) after the complaints 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.

Academies/Free Schools

Education Funding Agency Complaints  
Chief Executive's Office  
53-55 Butts Road  
Earlsdon Park  
Coventry  
CV1 3BH

- Ofsted will also consider complaints about schools. Complainants can contact Ofsted if they think a school isn't run properly and needs inspecting. Ofsted will not look into problems with individual students. This course of action is only available if the school's complaints procedure has already been followed.

<https://contact.ofsted.gov.uk/onlinecomplaints>

### Relevant legislation and guidance

The Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>

General Data Protection Regulation (GDPR) 2018 <https://ico.org.uk/media/for-organisations/guide-to-the-general-data-protection-regulation-gdpr-1-0.pdf>

The Education (Independent School Standards) Regulations 2014  
<http://www.legislation.gov.uk/uksi/2014/3283/contents/made>

Education Act 2002 <http://www.legislation.gov.uk/ukpga/2002/32/contents>

The Department for Education *Best Practice advice for school complaints procedures*  
<https://www.gov.uk/government/publications/school-complaints-procedures>

<https://www.gov.uk/government/publications/controlling-access-to-school-premises>

<https://www.gov.uk/government/publications/dealing-with-issues-relating-to-parental-responsibility>

Reviewed by: The Trust Board

Date: 21 May 2019

Review Date: April 2020

## Appendix A

### Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by the Trust Schools other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Whom to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs</li> <li>• School re-organisation proposals</li> </ul>	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with:</p> <p>Surrey County Council Admissions and Transport Team            Quadrant Court,            35 Guildford Road,            Woking, GU22 7QQ;  <a href="mailto:schooladmissions@surreycc.gov.uk">schooladmissions@surreycc.gov.uk</a></p>
<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).</p> <p><b>Ann Panton</b>  <b>Area Schools Officer</b>            Surrey County Council            Telephone: 01737 737960            Mobile: 07976 942186            Email: <a href="mailto:ann.panton@surreycc.gov.uk">ann.panton@surreycc.gov.uk</a></p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school*</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i></p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> <li>• Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>

<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the school’s internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>
<ul style="list-style-type: none"> <li>• National Curriculum - content</li> </ul>	<p>Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p>

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against a Trust school in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

## **Appendix B**

### **Tandridge Learning Trust contact details:**

Clerk to the Trust Board

Tandridge Learning Trust

Tithepit Shaw Lane

Warlingham

Surrey CR6 9YB

Email: [info@tandridgelearningtrust.co.uk](mailto:info@tandridgelearningtrust.co.uk)

### **Surrey County Council Area Schools Support Service**

#### **South East Surrey (Mole Valley, Reigate & Banstead, Tandridge)**

#### **Ann Panton**

##### **Area Schools Officer**

Telephone: 01737 737960

Mobile: 07976 942186

Email: [ann.panton@surreycc.gov.uk](mailto:ann.panton@surreycc.gov.uk)

#### **Sally Pickford**

##### **Area Schools Assistant**

Telephone: 01737 737961

Email: [sally.pickford@surreycc.gov.uk](mailto:sally.pickford@surreycc.gov.uk)

Consort House, 5-7 Queensway, Redhill, RH1 1YB

## Appendix C

### Roles and responsibilities

It is expected that all those involved in a complaint are treated respectfully.

#### 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;

#### The complaint investigator (staff member, member of SLT, Headteacher/Head of School or governor)

The investigator is the person involved in Stage 1 or 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 to clarify what he/she feels would put things right
- responding to the complainant in plain and clear language

The investigator should make sure that they:

- conduct interviews with an open mind and are prepared to persist in the questioning;
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.

#### Area Schools Support Service

The role of the Area Schools Support Service is to provide impartial advice and guidance to school staff, governors and complainants at all stages of the complaints process.\*

*\*For those schools which purchase the service.*

## Appendix D

### Tandridge Learning Trust Formal Complaints Form (Stage 2)

Please complete and return to *either the Headteacher/Head of School/Clerk to the School Governors/Clerk to the Trust Board*, who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b> <b>Postcode:</b> <b>Day time telephone number:</b> <b>Evening telephone number:</b>
<b>Please give details of your complaint, including whether you have spoken to anybody at the school about it.</b>

**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:**