



The TRUE Learning Partnership

THE TRUE LEARNING PARTNERSHIP COMPLAINTS POLICY April 2019

1. Introduction

The TRUE Learning Partnership (TTLP) is a community based, values focussed, learning organisation that meets the needs of all its members so that all will achieve. We aim to serve our communities with an unswerving commitment to ensure every student achieves their goals, whatever their circumstances. Where concerns are raised we intend to deal with them fairly, promptly and without prejudice.

The aim of this policy is to ensure that any complaint is handled by TTLP sympathetically, at the appropriate level and is resolved quickly and efficiently. The length of time that it takes will vary with the gravity and complexity of the complaint and the urgency with which it needs to be settled. However, all complaints should be settled within a period which is reasonable in the circumstances. TTLP's Complaints Policy will ensure a full and fair investigation; be impartial and accessible; address all points and provide an effective response and redress where necessary; and provide information to the school's Senior Leadership Team so that services can be improved.

It is anticipated that the large majority of complaints will be resolved at the informal stage and without the need for formal procedures.

This policy applies to each school in TTLP.

2. Complaints Policy and Procedure

The TRUE Learning Partnership's Complaints policy has been approved by The Trust Board and complies with the Education Regulations 2014 (Part 7).

The Policy covers all complaints against The TRUE Learning Partnership by external persons/parties which do not have an alternative statutory avenue of appeal or complaint. Complaints about third

party providers offering community facilities or services through their school premises should be made directly to the third-party provider.

Employees of TTLP (and ex-employees who wish to raise an issue relating to their former employment) cannot use this procedure but, where necessary, should raise concerns via the appropriate staffing procedure.

Separate policies and/ or procedures apply in respect of;

- Fixed term or permanent exclusions of students (details of appeal are included in the official exclusion notice)
- Learners with Special Educational Needs or Disability (SEND). See school SENCO or a senior member of staff
- Admissions (Admissions Policy/ statement)
- Whistleblowing (Whistleblowing Policy)
- Complaints relating to examinations/ assessment (Examinations Policy)
- Subject Access Requests and Freedom of Information Requests (GDPR Policy)
- Staff grievances (Grievance Policy)

Where a complaint indicates that a child's well-being or safety is at risk, the school is under a duty to refer immediately to the school's Safeguarding and Child Protection Policy. Intervention of parallel investigations by the police or local authority may cause variations to the timescales stated within this policy. Any such variation will be notified to the complainant as required.

3. General Principles

3.1 All complaints should be dealt with in a transparent way and as quickly as is reasonably practicable.

3.2 In order for a complaint to qualify under TTLP's Complaints Policy the complainant must submit their complaint to the school in writing. Email submissions are acceptable under this policy. Verbally submitted complaints are not accepted under this policy.

3.3 The school reserves the right not to review complaints considered at the sole discretion of the Headteacher or Chair of Governors to be unreasonable.

3.4 Complainants should be kept informed during the investigation of their complaint and of the outcome, except where this is confidential, e.g. in the case of a staff disciplinary process.

3.5 If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issues, the details of the action will remain confidential to the Headteacher and the CEO. The complainant is not entitled to participate in the proceedings or receive any details about them.

- 3.6 Any complaint will be kept confidential unless it is necessary to involve other parties, or where disclosure may be required in the course of the school's inspection, or where other legal obligation prevails.
- 3.7 Every effort should be made to resolve complaints in a non-confrontational and informal way.
- 3.8 The timescales within this procedure should be adhered to as far as is reasonably practicable. Where this is not possible the complainant should be informed, within the specified timescale, as to why this is the case, and given a revised timescale for dealing with the complaint.
- 3.9 The Local Governing Bodies for each school will ensure that they have appropriate arrangements for recording complaints and the way in which they are resolved. Further, that they will regularly (at least annually), monitor the nature and level of complaints, so as to best ensure the effectiveness of the procedure, and consider any underlying issues the school may need to address, including whether specific actions identified as outcomes of complaints have been addressed.
- 3.10 In order for complaints to be resolved as quickly and fairly as possible, TTLP requests that complainants do not discuss complaints publicly via social media. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality too.
- 3.11 A written record will be kept of all complaints, both informal and formal, and of whether they are resolved at the preliminary stage or proceed to a panel hearing. The Headteacher delegates this task to a Complaints Coordinator. Documentation will be stored in line with TTLP's GDPR Policy and retention schedule.
- 3.12 The school does not normally accept electronic recordings (audio or visual) from a complainant when asked to consider a complaint. The school will not accept recordings of conversations that were obtained covertly and without informed consent of all parties being recorded.

- 3.13 The complainant will receive a more effective response to the complaint if he/ she:
- Cooperates 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.

4. Resolving Complaints

- 4.1 At each stage in the procedure schools will want to consider the ways in which a complaint can be resolved. It may be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school and/ or TTLP policies in light of the complaint.

4.2 At each stage complainants should be asked to state what actions they feel might resolve the issue. An admission that the school could have handled the situation better is not the same as an admission of negligence.

4.3 If it is concluded that an apology is required, the Headteacher or a representative of the Local Governing Body will issue this on behalf of the school and its employees.

5. Frivolous or Vexatious Complaints

5.1 The Office of the Independent Adjudicator has defined frivolous or vexatious complaints as follows:

- 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 which lack any serious purpose or value.

5.2 An 'unreasonable manner' may include situations where the complainant's frequency of contact with the school hinders the consideration of the complaint and/or impedes the ability of the Headteacher and school to meet the needs of all pupils equitably.

5.3 Where the Headteacher, and/or Chair of Governors, judges a complaint to be frivolous or vexatious, having considered all the relevant circumstances, s/he should take appropriate action which may include rejecting the complaint and/or restricting contact between the complainant and the school.

5.4 The Headteacher or Chair of Governors as appropriate should write to the complainant and explain this decision and the reasons for it, and what action will follow.

5.5 Where a complainant seeks to reopen a matter the same as, or similar to, a matter previously considered under the procedure the Chair of Governors has the right to inform him/her that the procedure has been exhausted and the matter is closed.

6. Stages of the Procedure

Raising concerns

Many concerns and minor complaints can be resolved quickly and informally. There are numerous occasions where issues are resolved immediately through the class teacher or another member of staff, depending upon the nature of the complaint. Unless there are exceptional circumstances every effort should be made by the school to have a full discussion with the complainant before moving into the stages of this procedure.

Concerns regarding a pastoral or curriculum matter should be addressed to the relevant class teacher, Form Tutor or Head of Year.

Concerns regarding other matters relating to the school should be addressed to a member of the SLT. The member of staff who deals with the issue will make a written record of all concerns and the date on which they were received. These records will be passed on to the Complaints Coordinator together with a note of any resolutions reached.

Where as a result of raising a concern the complainant still feels the issue has not been addressed, or where the outcome has been that the complaint requires further investigation, they may progress by making an informal complaint (Stage 1).

Stage 1: Informal investigation (resolution within 10 working days)

(All references to working days throughout the policy refer to days on which the school is open to students).

If the complaint is not resolved through such discussion as above, the complainant should contact the Complaints Coordinator. The complaint should be made in writing by the complainant, or by another person on their behalf, with their consent (by letter or email).

The Complaints Coordinator will acknowledge receipt of the complaint. They will share the details of the complaint with the Headteacher or the relevant member of SLT. An appropriate member of staff will be appointed as Lead Investigator of the complaint (see Appendix A for details about the role of the Complaints Coordinator and the Lead Investigator). The Complaints Coordinator will keep the complainant up to date with the process.

The Lead Investigator should offer to meet with the complainant to discuss his/her concerns within ten working days of receiving the complaint, or as soon as is reasonably practicable. The complainant may be accompanied to the meeting and should inform the Lead Investigator of the identity of their companion in advance.

Where necessary the Lead Investigator should carry out a full investigation into the issues raised and will give a written response to the complainant as soon as possible but, in any case, within ten working days of this meeting. Where the complainant refuses the offer of a meeting this response should be made within ten working days of the receipt of the written complaint.

The Lead Investigator's role can include:

- Sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
- Clarification of the nature of the complain and what remains unresolved
- Consideration of records and other relevant information
- Interviewing staff and children/ young people and others relevant to the complaint, allowing them to be accompanied if they wish
- Identifying solutions and recommending courses of action to resolve problems

Should the matter not be resolved, or in a situation where a satisfactory resolution has not been reached, then complainants will be advised to proceed to Stage 2 (Formal investigations) of this procedure.

Stage 2: Formal investigation

If the complaint cannot satisfactorily be resolved at the first stage of the procedure, the complainant should put their complaint in writing to the Headteacher, which may be by letter or email, via the school. In their complaint, the complainant should identify how they wish their complaint to be resolved.

The school would usually expect formal complaints to be made as soon as possible after an incident arises. The school reserves the right not to investigate complaints that have been made three months after the subject of the complaint took place, except in exceptional circumstances, such as, new evidence has come to light, the complaint is of an especially serious matter or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time.

Once a formal complaint has been received by the Headteacher, The Headteacher should offer to meet with the complainant to discuss his/her concerns within ten working days or as soon as is reasonably practicable after this. The complainant may be accompanied to the meeting and should inform the Headteacher of the identity of their companion in advance. The Headteacher will give a written response to the complainant as soon as possible but, in any case, within ten working days of this meeting. Where the complainant refuses the offer of a meeting this response should be made within ten working days of the receipt of the written complaint. Where the complainant is dissatisfied with this response, the complaint should move to the third formal stage of the procedure. The Headteacher will keep a written record of all complaints, and of meetings held in relation to them, and these will be retained by the Complaints Coordinator.

Where the complainant is a parent, it would not normally be appropriate for a student (if aged under 18) to attend the investigation meeting.

Where the formal complaint concerns the Headteacher or a governor, the complainant should make their complaint to the Chair of Governors.

Where the formal complaint concerns the Chair of Governors, the complainant should make their complaint to the CEO of TTLP.

Where the formal complaint concerns the CEO, the complainant should make their complaint to the Chair of the Trust Board, and Stage Three procedures will apply.

Where a complainant is dissatisfied with the outcome of the school's response to their formal complaint (Stage 2) the complainant has an opportunity to move to Stage 3.

Stage 3: Complaint to Chair of Governors

If the complaint cannot be resolved at the second stage of the procedure, the complainant should put their complaint in writing to the Chair of Governors, which may be by letter or email, via the school. The Chair of Governors/Vice Chair/nominated governor will seek to appoint a governor, or him/herself, to meet with the complainant to discuss his/her concern within ten working days of receiving the complaint, or as soon as is reasonably practicable after this. The complainant may be accompanied to the meeting and should inform the Chair of Governors/ Vice Chair or nominated governor of the identity of their companion in advance.

The Chair/Vice Chair/nominated governor will review the investigation and Headteacher's decision and may confirm this decision or reach a different decision. The governor may choose to reinvestigate the complaint in whole or in part.

The Chair/Vice Chair/nominated governor will communicate his/her response in writing to the complainant as soon as possible but, in any case, within ten working days of the meeting. Where the complainant refuses the offer of such a meeting the governor will inform the complainant of the outcome of the investigation within ten working days of receipt of the written complaint or as soon as is reasonably practicable afterwards.

Where the complainant is dissatisfied with this response the complaint should move to the Appeal Stage (Stage 4) of the procedure.

Stage 4: Appeal Stage

If the complainant wishes to appeal against the decision made at the formal stage s/he must indicate his/her intention to do so within ten working days of receipt of the outcome of the formal stage.

The complainant should do this by sending a written appeal to the Clerk to Governors; either by letter or email. This should state the original complaint and the reasons for on-going dissatisfaction. The Clerk to Governors will seek to establish a nominated governor who has been independent of the process thus far. This nominated governor may decline to accept a complaint into the Appeal Stage where s/he, acting reasonably, believes that the complaint has been upheld in full at the Formal Stage and in all the circumstances there is no merit in the matter proceeding further.

If the nominated governor accepts the complaint into the Appeal Stage an appeal panel should be convened, consisting of the CEO, a member of TTLP's Trust Board, and three governors who have had

no previous involvement in consideration of the complaint. The appeal panel may convene and may decline to accept a complaint into the Appeal Stage where s/he, acting reasonably, believes that the complaint has been upheld in full at the Formal Stage and in all the circumstances there is no merit in the matter proceeding further. If the appeal panel believe there is merit in progressing the complaint to a full appeal, then a complaints appeal meeting will be held in accordance with the procedure attached as Appendix B.

Any complaints appeal meeting of the appeal panel should take place as soon as possible, but in any case a date should be set and communicated to the complainant within twenty working days of receipt of the appeal. The appeal panels' decision should be communicated in writing to the complainant as soon as possible but, in any case, within ten working days of the meeting. The complainant will have no further right to appeal this decision within the school.

Where the complainant is a parent, it would not normally be appropriate for a student (if aged under 18) to attend the entire hearing.

The aim of the appeal panel is to review how the school has managed the complaint, and not to re-investigate the complaint itself. This will include reviewing evidence and outcomes from Stages 1,2 and 3 and evaluating whether the school has followed its policies and procedures. The panel should also give consideration to achieving reconciliation between the school and complainant, although it is recognised that this is not always possible.

7. The role of the Education and Skills Funding Agency (ESFA)

Once the school's own complaints procedure has been exhausted, the ESFA may consider a complaint. The ESFA cannot review or overturn decisions about complaints made by Academies. It can only investigate whether the Academy considered the complaint appropriately. If the ESFA finds that an Academy did not consider a complaint appropriately it can request the Academy to reinvestigate the complaint

<https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy>

8. Confidentiality and record keeping

A record will be kept of all complaints, including a note of the stage at which the complaint was resolved.

9. Monitoring complaints

Each school will monitor complaints. Details to include

- Name of complainant
- Details of the complaint
- How the complaint was investigated and by whom

- When the complaint was made
- The results and conclusions
- Any action taken as a result

10. Monitoring and evaluation

The Headteachers of TTLP schools and the Trust Board will review the policy annually.

Details of our Complaints Policy are available on TTLP and our individual schools' websites, and upon request through the main school offices.



APPENDIX A

The role of the Complaints Coordinator and the Lead Investigator

Complaints Coordinator

Each school must nominate a Complaints Coordinator who is responsible for ensuring that a written record of all formal complaints, including records of meetings and interviews held in relation to the complaint, and the record of the school's decision is maintained. The Complaints Coordinator will oversee the administration of the complaints process.

Lead Investigator

At Stage 1, the Head Teacher or member of SLT receiving the complaint must designate the role of Lead Investigator to a suitable member of staff. The Lead Investigator is responsible for ensuring a full investigation of the complaint takes place, and for following the complaints process throughout.



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APPENDIX B

Conduct of Complaints Appeal Meetings

1. Although this procedure may appear formal, the hearing should be conducted in as informal a way as possible, and the Chair of the appeal panel should make every effort to make all parties feel comfortable. Extra care will be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated.
2. A suitable venue must be provided for the meeting which includes separate waiting areas for the two parties and refreshments for all involved.
3. The date and time of the meeting must be agreed with all parties and witnesses and all relevant documentation must be circulated to all parties at least five working days in advance of the meeting.
4. The panel will have access to the existing record of the complaint. Submission of additional documentation would not normally be allowed outside this timescale or at the appeal meeting, but the decision whether or not to allow this will lie with the appeal panel. Where the panel deems necessary, it may require that further particulars of the complaint or any related matter be supplied in advance of the meeting.
5. The meeting should be minuted.
6. The meeting may be attended by:
 - the complainant, with a companion if desired (who cannot also be a witness);
 - the Headteacher and/or Chair of Governors, as appropriate, with an adviser if required;
 - the members of the appeal panel;
 - a minute taker, appointed by the governors;
 - an adviser to the appeal panel.
7. Members of staff who have been involved in the issue, or other witnesses, may be called upon by either side to attend part of the meeting to provide information to the appeal panel.
8. Both sides must provide names of any witnesses to be called at least five days in advance of the meeting, and the nature of the evidence which they will be providing. The appeal panel has the discretion not to admit a witness if they do not consider their evidence to be germane to the complaint.
9. There will be no audio or visual recording of the proceedings by any party but a copy of the minutes of the meeting, once approved, will be shared with all parties.
10. The appeal panel will select a Chair from amongst their number.
11. The Chair of the appeal panel will introduce all the parties present and explain the procedure to be followed, and that every effort will be made to keep the process as informal as possible.
12. The complainant (or his/her companion) will outline his/her complaint and explain why s/he is dissatisfied with the school's response to date. The complainant may call any witnesses in support

of his/her complaint who will attend the meeting only for the time that they are providing information and may be questioned by all parties.

13. The Headteacher and the appeal panel will have the opportunity to ask questions of the complainant.
14. The Headteacher and/or the Chair of Governors will explain their involvement in the complaint and the reasons for their decisions at the informal and first formal stage. The Headteacher and/or Chair of Governors may call any witnesses in support of his/her statement who will attend the meeting only for the time that they are providing information and may be questioned by all parties.
15. The complainant and the appeal panel will have the opportunity to ask questions of the Headteacher and/or Chair of Governors.
16. Both parties will be given the opportunity to sum up their statements, ending with the complainant. No new material may be introduced at this stage.
17. The appeal panel may decide to adjourn the hearing pending further investigation at any stage, if this seems necessary.
18. Both parties will leave the meeting and the appeal panel will consider the information that has been put to them. The clerk will remain for this part of the meeting in order to clarify anything if necessary, but the appeal panels' deliberations will not be minuted.
19. The appeal panel must reach a unanimous or majority decision as to whether or not to uphold the complaint wholly or in part, and what action (if any) the school needs to take to resolve the complaint. This may include referring the matter to another formal process, whether in relation to a complaint against a governor or a member of the school staff. Normally the appeal panel will reach a decision at this point but they may feel the need to take further advice. Where this is the case they should endeavour to reach a decision as soon as possible.
20. The appeal panel will communicate their response to both parties as soon as possible but, in any case, within ten working days of reaching their decision. The governors' response should detail whether the complaint is upheld wholly or in part and briefly summarise the basis on which the appeal panel arrived at this conclusion. The response should also include any lessons learnt and specify any action to be taken by the school as a result of the complaint and within what timescales.

APPENDIX C : Flowchart of Complaints Process Timescales

