

# Complaints Policy

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## **Purpose**

All schools are required by law to have a complaints policy. TSSMAT has a Complaints Policy that is relevant for all schools in the Trust. This policy should help resolve problems and provide a means for issues of concern to be raised and subsequently addressed. All complainants will be treated respectfully during and after the course of any complaints investigation and will receive a written response to their complaint, unless appropriate and reasonable measures have been put in place as a result of the 'Persistent and/or Vexatious Complainants' policy set out below.

### **1.0 Stage 1 - Expressing Concerns**

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

### **2.0 Formal Complaints**

Formal procedures will be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further. All details of a complaint will be kept confidential except insofar as they need to be shared with people who might contribute to their resolution. The complaint will be dealt with in line with the Trust's complaints procedure.

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

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

If a formal complaint is made to the Trust you will be provided with a copy of this complaints policy. The Trust will need to be clear what the complaint is about, and may therefore request clarification from you before investigating the complaint.

## **2.1 Stage 2 (Headteacher or Chair of the Local Governing Committee (LGC))**

At this stage you should write formally to the Headteacher, outlining your complaint and stating you are now moving the matter to the formal stage. If your complaint is about the Headteacher, you should write to the Chair of the school's Local Governing Committee.

It may be that the Headteacher/LGC Chair has not been aware of the concern raised prior to this point. The Headteacher/LGC Chair will seek to investigate your concerns, as well as attempting to resolve the matter to the satisfaction of all concerned. This may involve having a discussion/meeting with you and any others concerned.

The Headteacher/LGC Chair will endeavour to respond to you outlining next steps in writing to a Stage 2 complaint within 10 school days after receiving the complaint.

Upon completion of investigations/meetings, a written response will be sent outlining the outcome of the investigation and how the conclusion has been reached. We aim to do this within 20 school days of receiving the complaint, but this is dependent on the nature and complexity of the complaint.

The aim of the investigation or review will always be to resolve the complaint and achieve reconciliation between you and the Trust. Nevertheless, it is acknowledged that sometimes you may not be satisfied with the outcome if matters are not found in your favour.

Where you feel your concerns have not been resolved by the Headteacher/LGC Chair then you will be advised that details of your continuing concerns will be accepted in writing and then referred to the LGC Complaints Committee (Stage 3).

### **3.0 Stage 3 - LGC Complaints Committee**

If a complaint has been referred to the LGC Complaints Committee (LGCCC) then the LGCCC will arrange a meeting to consider the complaint. The LGCCC will endeavour to provide you with a written response outlining their next steps within 10 school days of their receipt of the complaint.

You will be given the opportunity to attend the complaints meeting to make representations in person and you may be accompanied by a friend/family member. The LGCCC will therefore meet at a time and a venue convenient to all parties. If you decide not to attend the complaints hearing then it may be held in your absence.

#### **3.1 LGC Complaints Committee – Procedure**

The LGCC will want to ensure that the nature of the complaint is understood and, where possible, will seek to establish from you what actions you feel might resolve the problem. In helping to reach a conclusion, the LGCC will seek to identify possible sources of information and advice to help collate the necessary evidence.

Should you choose to attend the complaints hearing you must notify the Chair of the LGCC at least 24 hours prior to the hearing and include the name and relationship of your chosen companion. In normal circumstances the Headteacher / LGC Chair will also attend the hearing, but will not take any part in the decision-making process. A typical hearing may adopt the structure shown below.

#### **LGC Complaints Committee – Structure**

- Complainants will be invited to attend and be accompanied if they wish.
- Witnesses may be required to attend but only for the part of the hearing in which they give their evidence.
- After introductions, you will be invited to explain your complaint, and you will be followed by your witnesses (if any).
- The Chair of the LGC Complaints Committee may ask questions of both you and your witnesses after each has spoken.
- The Headteacher/ LGC Chair will then be invited to explain the Trust's actions and will be followed by the Trust's witnesses.

- You may ask questions of both the Headteacher / LGC Chair and the witnesses after each has spoken.
- The Committee may ask questions at any point.
- You will then be invited to sum up your complaint.
- The Headteacher / LGC Chair will be invited to sum up the Trust's actions and response to the complaint.
- The meeting will be minuted and may be recorded if attending parties agree.
- The LGCCC Chair will explain that both parties will hear from the committee in writing within 10 school days.
- Both parties leave together while the panel remains to decide on the issues and reach a conclusion.

The above procedures for the complaints hearing may vary with the approval of all parties.

Upon completion of this meeting, a written response will be sent outlining the outcome of the investigation and how the conclusion has been reached within 10 school days of the meeting.

The aim of the investigation will always be to resolve the complaint and achieve reconciliation between you and the Trust. Nevertheless, it is acknowledged that sometimes you may not be satisfied with the outcome if matters are not found in your favour.

There is no further right of appeal concerning the outcome of the complaint itself. However, where you feel policy has not been followed correctly at Stage 2 or 3 you can detail your concerns in writing to the CEO (Stage 4).

#### **4.0 Stage 4 - CEO**

If a complaint has been referred to the CEO then the CEO will review the documentation supplied from the original complaint up to the current point within 20 school days of receipt. The purpose of the CEO review is to ensure that Trust policy has been followed, not to judge the outcome of the original complaint.

Upon completion of this review, a written response will be sent outlining the outcome and how the conclusion has been reached within 30 school days from CEO receipt of the complaint.

## **5.0 Persistent or Vexatious Complaints**

You may remain dissatisfied despite all the procedures having been followed and reasonable responses being provided. It may be the case that it is not possible to resolve all your concerns and meet all your wishes. Sometimes it is preferable to 'agree to disagree' and move on.

If you continue to make representations to the Trust or continue correspondence into the same issues, the Governing Body reserves the right to inform you, in writing, that the appropriate procedures have all been followed, that all reasonable actions have been taken to try to resolve the issue and that the matter is now closed.

### ***Dealing with Persistent and/or Vexatious Complaints***

A vexatious or persistent complainant is not someone who raises legitimate concerns or criticisms of a complaints procedure as it progresses, for example, with regard to timescales, nor are they someone who is unhappy with the outcome of a complaint and are therefore seeking to challenge it.

Occasionally however there may be situations where the Headteacher and/or governing body have done all they can to resolve matters, and it is therefore appropriate to consider closing a complaint as it has been on-going for some time. Alternatively, there may be some circumstances in which there will be a valid reason for not following the full complaints process. Closing complaints may be appropriate in particular where responding to continual communications from a complainant is detracting from the Trust's responsibility to look after the interests of all the children in its care.

The Trust therefore reserves the right to close complaints from those who demonstrate any of the following behaviours:

- frequently complaining about a variety of different matters, or the same issue through a number of different channels in an obsessive, persistent, harassing, prolific and/or repetitious manner;
- seeking unrealistic outcomes relative to the issue being raised and stating that their intention is to persist until that outcome is achieved;
- insisting upon pursuing valid complaints in an unreasonable manner;

- persistently making the same complaint with minor differences but never accepting the outcome of any investigation into their complaint;
  - challenging a historical decision/action which cannot be changed;
  - contacting the school/Trust frequently in a lengthy and/or complicated way;
  - behaving aggressively and provocatively towards Trust and individual members of staff;
  - changing aspects of the complaint, or the desired outcome part way through the investigation and/or after the investigation is completed and a conclusion has been reached;
  - refusing to co-operate with the investigation process;
  - insisting on the complaint being dealt with in ways which are incompatible with the adopted procedure or with good practice;
  - making what appear to be groundless complaints about the staff dealing with the complaint, and seeking to have them replaced by someone more senior or with a person the complainant names;
  - refusing to accept information provided, for no justifiable reason;
  - making statements the complainant knows are not true or persuading others to do so;
  - supplying manufactured 'evidence' or other information the complainant knows is incorrect;
  - raising a large number of detailed but unimportant questions and insisting that they are all fully answered;
  - lodging a number of complaints in batches over a period of time, resulting in related complaints being at differing stages of the complaints procedure;
  - pressing for further investigation of matters that have already been addressed;
  - electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved;
  - using obscene, racist, offensive or threatening language in written or verbal communications;
  - threatening or aggressive or abusive behaviour in direct personal contacts with staff;
  - using the vehicle of valid new complaints to resurrect issues which were included in previous complaints;
- and/or
- persistently sending communications which demand responses, or making telephone calls seeking interview with staff, after the Trust has closed the investigation into a complaint and all rights of review and appeal have been exhausted.

Any complainants demonstrating such behaviour will be given an opportunity to modify their behaviour before correspondence is closed.

All correspondence relating to a complainant will be kept on file for a period of six years after the date of the complaint's resolution, as will any other relevant documentation including notes of telephone calls or meetings referring to the matter.

## **6.0 The role of the Secretary of State for Education (the Department for Education)**

If you feel that the Trust has not followed the appropriate procedure, any relevant policies, or has failed to discharge a statutory duty, you may wish to refer your complaint to the Schools Complaints Unit (SCU) within the Department for Education at the address below:

The Schools Complaints Unit

Department for Education

2nd Floor Piccadilly Gate

Manchester

M1 2WD

Please note that the SCU will not re-investigate the substance of a complaint as this remains the responsibility of the governing body but, if legislative or policy breaches are found, SCU will report to the governing body and, if necessary, require it to take remedial action.