

COMPLAINTS RESOLUTION POLICY AND PROCEDURE

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Introduction

Thomas’s Academy prides itself on its openness and on the quality of the teaching and pastoral care provided to its pupils. 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 and without prejudice.

In order to do so, the Trustees of Thomas’s Academy have agreed and adopted the following procedure which explains what you should do if you have any concerns about the school.

Raising a concern or complaint

This complaints procedure is not only for parents¹ of children registered at Thomas’s Academy. Any person, including pupils, parents or members of the public, can make a complaint about the school. We will not, however, investigate anonymous concerns or complaints under this procedure.

Timeframes

We will do our best to abide by the timeframes stated under each stage of the complaints procedure. However, in some circumstances this might not be possible. This could be due to the complexity of information needed to review your complaint or difficulties regarding an individual’s availability to deal with the complaint. If it becomes apparent that it is not possible to complete any stage of the complaints procedure within a given timeframe, the person responsible for handling the complaint will contact you as soon as possible and agree a timeframe that works for everyone involved.

You must make a complaint within three calendar months of the incident happening. If the complaint is about a series of associated incidents, you must do this within three calendar months

¹ In this document, the term “parent” refers to anyone with parental responsibilities for a pupil enrolled at the school.

of the last of these incidents. We will only consider complaints made outside of this time frame if exceptional circumstances apply. By exceptional circumstances we mean:

- where new evidence has come to light
- where the complaint is of an especially serious matter
- where there is reasonable justification for why you have been unable to raise the complaint before this time.

Complaints received outside term time will be considered starting on the first school day after the holiday period.

Scope of this complaints procedure

This procedure covers all complaints about any provision of community facilities or services by Thomas's Academy. Some complaints are dealt with under different statutory procedures, including those listed below.

Exceptions	Who to contact
Admissions to the school	Concerns about admissions to Reception to Year 6, should be handled either through the admissions appeals process or via the local authority.
Statutory assessments of Special Educational Needs	Concerns about statutory assessments of Special Educational Needs should be brought up with the local authority.
Matters likely to require a child protection investigation	Complaints about child protection matters are handled under our Safeguarding and Child Protection Policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the Local Authority Designated Officer (LADO) who has local responsibility for safeguarding. https://www.lbhf.gov.uk/children-and-youngpeople/children-and-family-care/child-protection
Exclusion of children from school	Information about raising concerns about exclusion can be found at: https://www.gov.uk/school-disciplineexclusions/exclusions
Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to whistleblowers in education who do not want to raise matters directly with their employer. Referrals can be made at: https://www.education.gov.uk/contactus . 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 local authority or the Department for

	Education (see link above), depending on the substance of your complaint.
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>You will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, you will be notified that the matter is being addressed.</p> <p>Staff should refer to the Staff Code of Conduct, specifically the section on 'low level concerns'.</p>
Complaints about services provided by other providers who use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them directly.

If other organisations or people are investigating aspects of your complaint, for example the police or local authority safeguarding teams, this may affect our ability to adhere to the timescales set out in this procedure. It might also result in the procedure being suspended until they have completed their investigations. If legal action is taken against Thomas's Academy in relation to a complaint, the school will consider whether to suspend the Complaints Procedure in relation to the complaint until legal proceedings have concluded.

Resolving complaints

At each stage in the procedure, Thomas's Academy wants to resolve a complaint. If appropriate, we will acknowledge that your complaint is upheld in whole or in part. We may 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 we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint.

Withdrawal of a complaint

If you want to withdraw a complaint, you must do so in writing either by letter or email².

Social Media

In order for complaints to be resolved as quickly and fairly as possible, we ask you not to discuss complaints publicly via social media. Complaints will always be dealt with confidentially for those involved, and we expect others to observe confidentiality also.

Informal complaint resolution

² In this procedure notification in writing includes both email and letter

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the Complaints Procedure. Thomas's Academy takes concerns seriously and we will make every effort to resolve the matter as quickly as possible.

You can raise a concern or make a complaint in person, in writing or by telephone. Someone else can make a complaint on your behalf as long as they have your written permission to do so. The majority of concerns can be resolved without resorting to the procedure set out in this policy.

If you have a concern about any aspect of the school or your child's education or wellbeing, you should initially raise this informally with your child's class teacher via phone or in person. Ideally, a class teacher will be able to address your concern on the spot. If not, they can arrange a meeting with you to discuss the issue.

Complaints about a staff member (except the Head Teacher) should be made to the Head Teacher or Deputy Head Teacher. Complaints that involve the Head Teacher should be addressed to the Chair of Trustees. Complaints about the Chair of Trustees should be made via the Clerk to the Board of Trustees.

If the issue remains unresolved, the next step is to discuss it informally with a phase leader, or another member of the senior leadership team. If, following this, the issue remains unresolved, the next step is to make a formal complaint.

Formal complaints procedure

If you have a concern, please raise it informally first with the relevant member of staff who will be happy to talk to you and try to find a solution. If you are not satisfied with this response and believe the issue has not been resolved, please use the following procedure.

Stage 1 - school investigation

If you want to make a formal complaint this should be done via the school office. This can be done in writing, in person or by telephone.

Formal complaints against school staff (except the Head Teacher) should be made to the Head Teacher.

Formal complaints that involve or are about the Head Teacher should be addressed to the Chair of Trustees via the school office.

Formal complaints about the Chair of Trustees, any individual Trustee or the whole Board of Trustees should be addressed to the Clerk to the Board of Trustees'.

If you are unable to write, you or another person on your behalf should telephone the school to explain your concern briefly to a member of the senior leadership team at the school. They will pass it on to the Head Teacher or to the Chair of Trustees if it concerns the Head Teacher.

As appropriate, the Head Teacher/Chair of Trustees/Clerk to the Board of Trustees will record the date your complaint is received and acknowledge receipt of your complaint in writing (either by letter or email) within five clear school days. This response will clarify the nature of your complaint, ask what remains unresolved and what outcome you would like to see. The school will consider whether a face-to-face meeting is the most appropriate way of doing this.

The Head Teacher may delegate the investigation of a complaint and/or a meeting to another member of the school senior leadership team. However, the Head Teacher may not delegate the decision to be taken. During the investigation, the Head Teacher (or investigator) will:

- if necessary, interview all those involved in the matter and/or those complained of
- keep a written record of any meetings/interviews in relation to their investigation

Once the Head Teacher (or investigator) is satisfied that, so far as is practicable, all the relevant facts have been established, they will inform you of their decision in writing 15 clear school days of the date of receipt of your complaint.

This formal response will give the result of the investigation and the decision on the facts relevant to the concern or complaint. This response will either uphold all or part of any complaint, or dismiss it entirely. The response will describe any actions taken to investigate your complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of what we will do to resolve your complaint.

The response will be sent to you in writing either by email or post. The response is deemed to have been received by the second weekday after transmission/posting. If we are unable to meet this deadline, we will provide you with an update and revised response date. The investigator will tell you how to escalate your complaint should you remain dissatisfied with the outcome of Stage 1.

Stage 2 - Panel hearing

If you are not satisfied with the school's formal Stage 1 outcome, you may appeal the decision and escalate the complaint to stage 2. This involves a meeting with members of the Board of Trustees complaints panel. This is the final stage of the complaints procedure.

If your complaint is about:

- the Chair and Vice Chair jointly
- the entire Board of Trustees
- the majority of the Board of Trustees
- Stage 2 will be heard by a panel of governors with no prior knowledge of your complaint.

You must send the Clerk to the Board of Trustees a written request to escalate your complaint to Stage 2 via the school office. The school must receive this within five clear school days of the date we consider you received the Stage 1 outcome email or letter. Requests for escalation to Stage 2 received outside of this time frame will only be considered if exceptional circumstances apply.

If you want to submit additional written evidence for the panel to consider, this must be received by the school office within 10 clear school days of the date we consider you have received the Stage 1 response.

The Clerk will acknowledge your request to escalate a complaint to Stage 2, and the receipt (or not) of any additional evidence submitted by you, each within five clear school days of the respective deadlines.

The Clerk will inform you of the three proposed panel meeting dates and ask for a preference date typically within 10 clear school days of the date we consider the Stage 1 response received. The panel will aim to convene a meeting within 20 clear school days of the deadline for the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep you informed.

If you reject the three proposed dates without good reason, the Clerk will decide when to hold the meeting. It will then proceed in your absence on the basis of written submissions from both parties.

The complaints panel will consist of three non-staff trustees 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 panel. If fewer than three trustees from Thomas's Academy are available, the Clerk will endeavor to source any additional, independent trustees or governors through another local school or through the Local Authority Governor Services, in order to make up the panel. Alternatively, an entirely independent panel may be convened to hear the complaint at Stage 2.

The panel will decide whether to deal with your complaint by inviting those involved to the meeting or through written representation.

You may bring someone along to this meeting to provide support. This can be a relative or friend. Legal representatives are not allowed to the panel meeting. An exception to this is if a school employee is called as a witness in a complaint meeting, they may wish to be supported by a union and/or legal representation. Representatives from the media are not permitted to attend.

At least 7 clear school days before the meeting, the Clerk will confirm and tell you the date, time and venue of the meeting, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible.

Any written material will be circulated to all parties at least 5 clear school days before the date of the meeting. The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The panel will also not review any new complaints at this stage or consider evidence unrelated to your initial complaint to be included. 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 normally permitted unless your 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. If consent is given then we will also record the meeting.

The panel will consider your complaint and all the evidence presented. The panel 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 panel 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 panel will give you and Thomas's Academy a full explanation of the panel's decision and the reason(s) for it, in writing, within 5 clear school days. The letter to you will include details of how to contact the Department for Education if you are dissatisfied with the way your complaint has been handled by Thomas's Academy.

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 Thomas's Academy will take to resolve the complaint.

The response will also tell you how to escalate your complaint should you remain dissatisfied.

Next steps

If you believe the school did not handle your complaint in accordance with the published Complaints Procedure or it acted unlawfully or unreasonably in the exercise of their duties under education law, you can contact the Department for Education after you have completed Stage 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Thomas's Academy. They will consider whether the school has adhered to education legislation and any school policies connected with the complaint.

You can refer your complaint to the Department for Education

- online at: <https://www.education.gov.uk/contactus>
- by telephone on: 0370 000 2288
- by writing to: Department for Education, Piccadilly Gate, Store Street, Manchester, M1 2WD

Roles and responsibilities

Complainant

You will receive a more effective response to the complaint if you:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treats all those involved in the complaint with respect
- refrain from publishing the details of your complaint on social media and respect confidentiality.

Investigator

The investigator's role is to establish the facts relevant to the complaint by providing a comprehensive, open, transparent and fair consideration of the complaint through:

- sensitive and thorough interviewing of those involved to establish what has happened and who has been involved
- interviewing staff and children/young people and other people relevant to the complaint
- consideration of records and other relevant information
- analysing information
- liaising with you as appropriate to clarify what you feel would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to make a record of the meeting
- ensure that any papers produced during the investigation are kept securely pending any request for a formal escalation to Stage 2
- be mindful of the timescales to respond
- prepare a comprehensive report for the Head Teacher or complaints panel that sets out the facts, identifies solutions and recommends courses of action to resolve problems
- ensure the complainant is fully updated at each stage of the procedure
- liaise with staff members, the Head Teacher, Chair of Trustees, Clerk and Local Authority (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding sharing third-party information or additional support. This may be needed by the complainant when making a complaint including interpretation support or where the complainant is a child or young person

We will then determine whether to uphold or dismiss your complaint and communicate that decision to you, providing the appropriate escalation details.

Clerk to the board of trustees

The Clerk is the contact point for the you and the panel and should:

- i) ensure that everyone involved in the complaints procedure is aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, and the Data Protection Act (DPA) 2018
- ii) set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- iii) collate any written material relevant to the complaint (for example, stage 1 and 2 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- iv) minute the proceedings
- v) circulate the minutes of the meeting

Complaints panel chair

The panel chair is nominated before the complaint meeting and should ensure that:

- i) both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- ii) the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- iii) you are put at ease as you may not be used to speaking at such a meeting. This is particularly important if the person making a complaint is a child/young person
- iv) the remit of the panel is explained
- v) written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018
- vi) If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- vii) both the complainant and the school are given the opportunity to make a case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- viii) the issues are addressed
- ix) key findings of fact are made
- x) the panel is open-minded and acts independently
- xi) no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- xii) the meeting is minuted
- xiii) they liaise with the Clerk
- xiv) they notify all parties of the panel's decision.

Panel member

Panel members should be aware that:

- i) the meeting must be independent and impartial, and should be seen to be so. No trustee may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it
- ii) the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. We recognise that a complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- iii) many complainants will feel nervous and inhibited in a formal setting
- iv) parents/carers often feel emotional when discussing an issue that affects their child

- v) extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting
- vi) careful consideration of the atmosphere and proceedings should ensure that children or young people do not feel intimidated
- vii) the welfare of children is paramount.

The panel will respect the views of the child/young person and give them equal consideration to those of adults. The school will endeavor to adhere to the Common Principles for a Child Friendly Complaints Process published by the Children's Commissioner.

If a child/young person is the complainant, the panel will ask in advance if any support is needed to help them present their complaint. If the complainant is the child/young person's parent, the panel will give the complainant the opportunity to say which parts of the meeting, if any, a child needs to attend.

Parents should be advised that it might not always be possible for their child to attend a part of the meeting that the panel considers is not in the child/young person's best interests.

Serial and unreasonable complaints

Where an issue is raised that has already been dealt with via the school's Complaints Procedure, and that procedure has been exhausted, the school will not reinvestigate the complaint except in exceptional circumstances, for example where new evidence has come to light.

If a complainant persists in raising the same issue, the Head Teacher or another appropriate person will write to them explaining that the matter has been dealt with fully in line with the school complaints procedure, and therefore the case is now closed. Contact details of the Department for Education will be provided if a complainant wishes to take the matter further.

Thomas's Academy 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 you have with our 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. In some instances this may include contacting the Police to attend on site.

Thomas's Academy defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of a complainant's contact with the school. For example, if the complainant:

- i) refuses to articulate a complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- ii) refuses to co-operate with the complaints investigation process
- iii) refuses to accept that certain issues are not within the scope of the Complaints Procedure
- iv) insists on the complaint being dealt with in ways which are incompatible with the Complaints Procedure or with good practice
- v) introduces trivial or irrelevant information which a complainant expects to be taken into account and commented on
- vi) raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to a complainant's timescales
- vii) makes unjustified complaints about staff who are trying to deal with the issues and seeks to have them replaced
- viii) changes the basis of the complaint as the investigation proceeds
- ix) repeatedly make the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)

- x) 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
- xi) seeks an unrealistic outcome
- xii) makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- xiii) uses threats to intimidate
- xiv) uses abusive, offensive or discriminatory language or violence
- xv) knowingly provides falsified information
- xvi) publishes what we consider unacceptable information on social media or public forums.

You should try to limit communication with the school that relates to your complaint while it is being dealt with. 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, we will discuss any concerns with you informally before deciding it is an 'unreasonable' complaint. If the behaviour continues, we will write to you explaining that your behaviour is unreasonable and ask you to change it. For complainants who excessively contact Thomas's Academy causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed no sooner than six calendar months from the date we wrote to you.

NOTE: If the six-month period ends in a school holiday then the review will take place in the first week of the next school term.

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 the school site.

APPENDIX A

Common Principles for a Child Friendly Complaints Process

These principles have been developed based on the views, experiences and voices of children and young people, as well as discussions with professionals who have a responsibility for complaints.

1. All organisations working with children and young people should value and respect them, and develop positive and trusting relationships
2. All complaints from children and young people should be seen as positive, valuable service user feedback and considered from a safeguarding perspective
3. Children and young people should be involved in the development and implementation of the complaints process they may wish to use.
4. All children and young people should have access to information about complaints processes. This should be provided in a variety of formats, including online, and should be age appropriate and take account of any additional needs that a young person may have.
5. All children and young people should be able to make complaints in a variety of ways.
6. Written responses to complaints should be timely and where possible discussed with the young person. The young person should always be given an opportunity to provide feedback.
7. Staff should be well trained and have access to training in listening to, and dealing with complaints from children and young people.
8. Children who need support to make a complaint should have access to an independent advocate.

This policy will be reviewed annually		
Reviewed: September 2022	By:	Miles Chester, Principal of Thomas's Academy Trust
Reviewed: October 2023	By:	Suzanne Kelly, Head Teacher