



# Trafalgar Schools' Federation

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Reviewed by Resources Committee: Summer 2021

Next Review: Summer 2022

## Complaints Policy

### Introduction

Trafalgar Schools' Federation 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 Federation intends for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without Prejudice

In order to do so, the Governing Body of Trafalgar Schools' Federation has approved the following procedure which explains what you should do if you have any concerns about either school within the Federation. All members of staff will be familiar with the procedure and will be able to assist you.

### Which procedure do I need?

Sometimes, when concerns are more specific, there are alternative and more appropriate policies for dealing with them. The following list details specific types of concerns, and the correct policy to refer to. You can access these policies on the school websites or ask for a copy from any of the school offices.

- Pupil admissions; please contact London Borough of Richmond upon Thames. You can access their website via the schools' websites
- Pupil exclusions; please see the Federation's Positive Behaviour Policy inc. Anti-bullying which can be viewed from the school websitea.
- Staff grievance, capability or disciplinary; these are covered by the Federation's Staff Appraisal Capability Policy, Disciplinary Policy and Grievance Policy from ActionHR.
- Where the complaint concerns a third party used by the school such as a School Club; please complain directly to the third party themselves.
- Anonymous complaints – please refer to the TSF Whistleblowing Policy.
- Subject Access Requests and Freedom of Information Requests – please see the Federation's Data Protection Policy and Freedom of Information policy.

### Raising concerns

The majority of concerns can be dealt with without resorting to the procedure. Where you have a concern about any aspect of either school or your child's education or wellbeing, raise this with your child's class teacher via a phone message left with the relevant school office or in person at the end of the school day. Ideally, they will be able to address your concerns on the spot or can arrange a meeting with you to discuss the issue.

All concerns will be dealt with confidentially, although the staff member may need to take notes if they feel that the matter may need to be taken further or it may arise again in the future. Any



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such notes will be kept in accordance with the principles of the Data Protection Act 2018. However, such notes would be able to be used to as evidence if further investigation was required, or if the concern became a formal complaint.

## **Safeguarding**

Wherever a concern indicates that a child's wellbeing or safety is at risk, the schools within the Federation are under a duty to report this immediately to the local authority as explained in the Federation's Duty of Referral statement found on schools' websites and in the Parent Information Room on the Infant School e-School. Any action taken will be in accordance with the Federation's Safeguarding Policy inc. Child Protection which can be found on the schools' websites.

## **Social Media**

In order for concerns or complaints to be resolved as quickly and fairly as possible, Trafalgar Schools' Federation requests the complainants do not discuss their concerns or complaints publically via social media such as facebook and twitter. Concerns and 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**

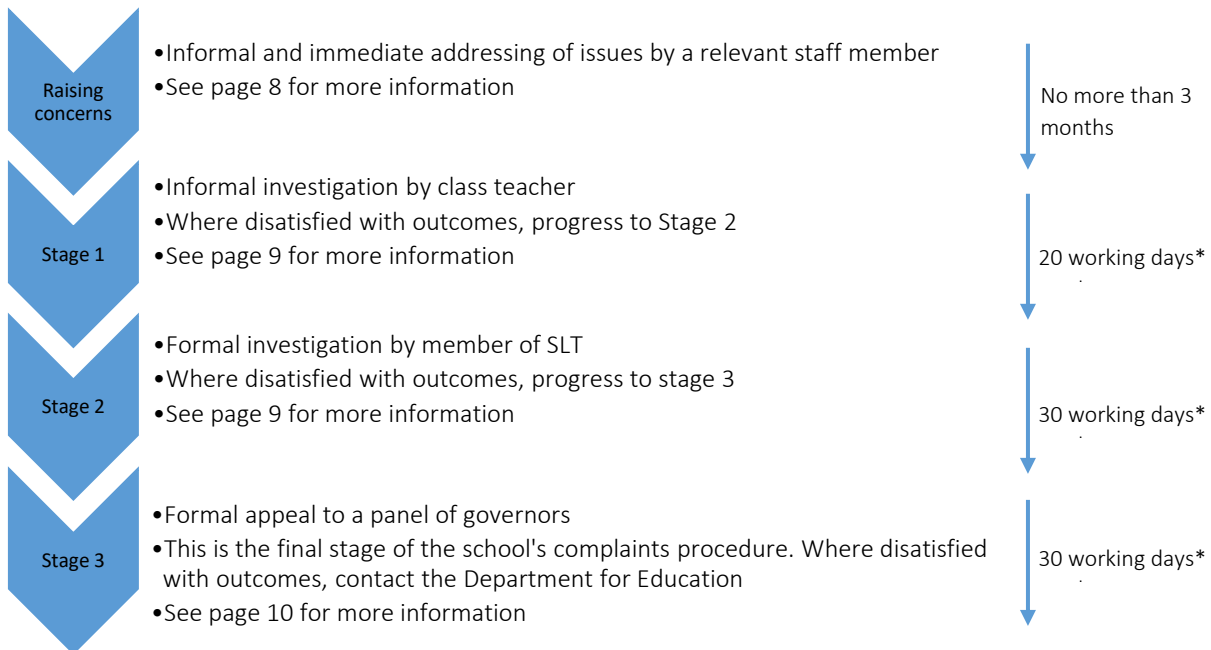
If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the Executive Headteacher (Exec HT) and/or the individual's line manager. The complainant is entitled to be informed that action is being taken and the eventual outcome of any such action, but they are not entitled to participate in the proceedings or receive any detail about them.



## The Complaints Procedure

If you need to raise an issue in the first instance, please do so with the relevant class teacher who will be happy to talk to you and seek to establish a solution. If you are not satisfied and with this response and believe the issue has not been resolved, please use the following procedure as detailed below.

### Timeline



### Timeframes

Trafalgar Schools' Federation will endeavour to abide by timeframes stated under each stage but acknowledges that in some circumstances, this is not always possible due to the complexity of information needed to review a complaint or difficulties regarding individual's availability to deal with the complaint, for example. If it becomes apparent that it is not possible to complete any stage of the complaints procedure within a given timeframe, the individual responsible for handling the complaint will contact the complainant as soon as possible and come to an agreed timeframe that works for all parties involved.

\*Please note that working days refers to school term time.

Trafalgar Schools' Federation reserves the right not to investigate complaints that have been made 3 months after the subject of the complaint took place, except in exceptional circumstances. What is meant by exceptional circumstances is where new evidence has come to light, where 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. The Exec HT will review the situation and decide whether or not to enact the complaints procedure, informing the Chair of Governors of the decision.



## **Who should I approach?**

Educational matters: class teacher

Pastoral care: class teacher

Disciplinary matters: class teacher

Financial/Administration matters: Relevant school office staff

Complaint about a staff member's conduct: depending on the severity of the complaint it may be appropriate to resolve difficulties directly with the staff member direct. However, it is important to avoid matters becoming uncomfortable, accusatory or confrontational, so the best advice is to approach the Executive Headteacher or Deputy Headteacher.

## **Complaints about the Executive Headteacher or the Governors**

Where a complaint regards the Executive Headteacher, the complainant should first directly approach the Executive Headteacher in an attempt to resolve the issue informally. If the complainant is not satisfied with this outcome they should notify the Clerk to the Governors (see contact details at the end of the document). The Stage 2 process will then commence, but with the Chair of Governors as the individual responsible for the investigation rather than a member of the school specific Senior Leadership Team (SLT).

Where a complaint regards a Governor, the same process applies as for the Executive Headteacher. Where a complaint concerns the Chair of Governors, the individual should contact the Clerk to the Governors. Informal resolution will be sought, but where this fails, the complaints procedure at Stage 3 will take immediate effect. The Vice Chair will mediate any proceedings.

Where a complaint regards the entire Governing Body, the same process applies as for the Executive Headteacher except that the Stage 2 process will commence with an independent investigator and Governors from other schools to hear the complaint at Stage 3.

## **Stages of the Complaint**

### **Stage 1 – Informal investigation by a class teacher**

Where as a result of raising a concern the complainant still feels that the issue has not been addressed, or where the outcome has been that the complaint needs further investigation than can be resolved briefly, they may progress by making an informal complaint. In doing so, the following steps will be followed:

1. Complainant contacts the class teacher.
2. The complainant must explain in writing
  - An overview of the complaint so far
  - who has been involved
  - why the complaint remains unresolved
  - action they would like to be taken to put things right.



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3. The class teacher will respond within 5 working days (excluding those which fall in the school holidays) of having received the written complaint. They will explain what action they intend to take.
4. Where the complaint is about a member of staff or a school governor, the class teacher will arrange an informal mediation meeting between the two parties to see if a resolution can be come to.
5. The staff member will provide a written confirmation of the outcome of their investigation within 15 working days (excluding those which fall in the school holidays) of having sent confirmation of the intended action. Where the complainant is not satisfied with the outcome, they are able to progress to stage 2 of the complaints process and launch a formal written complaint.
6. The class teacher will make a record of the concern and the outcomes of the discussion which will be held centrally for twelve months, in line with the principles of the Data Protection Act 1998

## **Stage 2 – formal investigation by member of Senior Leadership Team (SLT)**

1. The complainant may submit a formal complaints form to the member of the relevant school SLT (Executive Headteacher or Deputy Headteacher). See the end of the procedure for a copy of this form.
2. The SLT member will respond in writing within 10 working days (excluding those that fall in the school holidays) of the date of receipt of the complaint to acknowledge receipt of the complaint and explain what action will be taken, giving clear timeframes.
3. A log of all correspondence in relation to the complaint will be kept in accordance with the Data Protection Principles.
4. The SLT member will consider all relevant evidence; this may include but is not limited to:
  - a statement from the complainant,
  - where relevant a statement from an individual who is the subject of the complaint
  - any previous correspondence regarding the complaint
  - any supporting documents in either case
  - interview with anyone related to the complaint.
5. The SLT member may decide to have a meeting with the complainant (and where relevant, the subject of the complaint) if they feel that it would be appropriate for the investigation.
6. After considering the available evidence, the SLT member can:
  - Uphold the complaint and direct that certain action be taken to resolve it
  - Reject the complaint and provide the complainant with details of the stage three appeals process



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- Uphold the complaint in part: in other words, the SLT member may find one aspect of the complaint to be valid, but not another aspect. They may direct for certain action to be taken to resolve the aspect that they find in favour of the complainant.

7. The SLT member must inform the complainant of their decision in writing within 20 working days (excluding those that fall in the school holidays) of having issued written acknowledgement of the receipt of the complaint. They must explain clearly why they have come to the decision that they made. They must detail any agreed actions as a result of the complaint. Finally, they must provide the complainant with details of how to progress the complaint to stage three if they are not satisfied, providing them with the contact details of the Clerk to the Governors (see the end of the procedure for these).

## **Stage 3 – appeal – formal review by a panel of the Governing Body.**

If the complainant wishes to appeal a decision by the SLT member at stage 2 of the procedure, or they are not satisfied with the action that the SLT member took in relation to the complaint, the complainant is able to appeal this decision.

They must write to the Clerk to the Governors (see the contact details at the end of the procedure) as soon as possible after receiving notice of the SLT member's decision, briefly outlining the content of the complaint and requesting that a complaints appeal panel is convened.

The Clerk will fulfil the role of organising the time and date of the appeal hearing, inviting all the attendees, collating all the relevant documentation and distributing this 5 days in advance of the meeting, recording the proceedings in the form of minutes, and circulating these and the outcome of the meeting.

The complainant must request an appeal panel within 4 weeks of receiving the SLT member's decision or it will not be considered, except for in exceptional circumstances. On receipt of this written notification, the following steps will be followed:

1. The Clerk will write to the complainant within five working days (not including the school holidays) to confirm receipt of the appeal request and detail further action to be taken.
2. The Clerk will convene a panel of three Governors. All three panel members will have no prior knowledge of the content of the complaint.
3. The appeal hearing will take place within 20 working days (excluding those which fall in the school holidays) of receipt of the date of the confirmation letter from the Clerk to the complainant, confirming the appeal.
4. In addition to the panel, the following parties will be invited, where applicable:
  - the complainant
  - the SLT member who dealt with the complaint at Stage 2
  - where the complaint regards a member of staff, the staff member who is the subject of the complaint.



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The complainant is also able to bring a companion with them to the hearing if they wish. Where the subject of the complaint is a member of staff, that staff member is also able to bring a companion with them.

The companion will be a friend or a colleague. As the aim of the appeal panel is reconciliation and to put right things that have gone wrong neither party is able to bring legal representation with them. The appeal panel is not a form of legal proceedings. If after the hearing any party feels that legal action is necessary, please contact the Clerk to the Governors (see the contact details at the end of the procedure). At this point a decision will be made as to whether to suspend the complaints procedure until those legal proceedings have concluded.

5. If the attendance of any pupils is required at the hearing, parental permission will be sought if they are under the age of 18. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing.
6. Where the complaint is about a Governor, the complainant may request that the appeal is heard by an entirely independent panel. It is at the discretion of the Governing Body who will notify the Clerk of their decision. Where an entirely independent panel is required, timescales may be affected while the Federation source appropriate individuals for the review.
7. The panel can make the following decisions:
  - Dismiss the complaint in whole or in part
  - Uphold the complaint in whole or in part
  - Decide on the appropriate action to be taken to resolve the complaint
  - Recommend changes to the Federation's or school's systems or procedures to ensure that problems of a similar nature do not recur.
8. All parties who attended the meeting will be informed in writing of the outcome of the appeal within 5 working days (excluding those which fall in the school holidays).

This is the final stage at which the Federation will consider the complaint. If the complainant remains dissatisfied and wishes to take the complaint further, please contact the Clerk to the Governors (see the contact details at the end of the document). The Federation will not consider the complaint beyond this.

## **Duplicate complaints**

After closing a complaint at the end of the complaints procedure, we will consider any further complaints received from a spouse, a partner, a grandparent or a child about the same subject as duplicate complaints. We will inform the new complainant that the school has already considered that complaint and the local process is complete. If the new complainant is dissatisfied with the Federation's handling of the original complaint they will be provided with the contact details of the Department for Education if they wish to take the matter further.

## **Complaint campaigns**

Where the Federation becomes the focus of a campaign and receives large volumes of complaints all based on the same subject and/or from complainants unconnected with the school the Federation will use a template response to all complainants and/or publish a single response on



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the relevant school website. If the complainants are dissatisfied with the Federation's handling of the original complaint they will be provided with the contact details of the Department for Education if they wish to take the matter further.

## **Unreasonable complaints**

Where a complainant raises an issue that has already been dealt with via the Federation's complaints procedure, and that procedure has been exhausted, the Federation 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 Executive Headteacher will write to them explaining that the matter has been dealt with fully in line with the Federation complaints procedure, and therefore the case is now closed. The complainant will be provided with the contact details of the Department for Education if they wish to take the matter further.

Appendix A of this policy explains the procedure we use to deal with unreasonable complaints.

The Executive Headteacher will use their discretion to choose not to investigate these complaints. Where they decide to take this course of action, they must inform the Chair of Governors that they have done so, explaining the nature of the complaint and why they have chosen not to investigate. If the Chair deems it appropriate to, they can redirect the Executive Headteacher to investigate the complaint. The full complaints procedure will commence from stage one on this direction.

If the Chair of Governors upholds the Executive Headteacher's decision not to look into the complaint and the complainant deems this decision to be so unreasonable that no other rational body in the same position would have made that decision, then the complainant may write to the Department for Education.

## **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 Mrs Taylor 020 8894 5729 or 020 8894 1601 or email [Infantinfo@trafalgarFederation.org.uk](mailto:Infantinfo@trafalgarFederation.org.uk) or [juniorinfo@trafalgarFederation.org.uk](mailto:juniorinfo@trafalgarFederation.org.uk)
- If the complainant feels that the Governing Body acted 'unreasonably' in the handling of the complaint, they can complain to the Department for Education 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, Federation or authority would act in the same circumstances. <https://www.gov.uk/complain-about-school>
- Ofsted will also consider complaints about schools. <https://contact.ofsted.gov.uk/onlinecomplaints>

## **Relevant legislation and guidance used in the writing of this policy**

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

The Data Protection Act 2018 <https://www.legislation.gov.uk/ukpga/2018/12/contents/enacted>





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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>

## For Staff and Governor Information

<b>Date of change</b>	<b>Summary of significant changes and the reasons</b>
Summer 2016	Policy rewritten to cater for changes and to bring it up to date with DofE best practices
Summer 2017	No changes.
Summer 2018	References to Federation
Summer 2019	New complaints guidance was published in Sept 2018. Policy now includes the management of duplicate complaints, complaint campaigns and vexatious complaints.
Summer 2020	No changes



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## Trafalgar Schools' Federation Formal Complaints Form

Name	
Name of pupil, school & year group and your relationship to them	
Contact address	
Contact telephone day	
Contact telephone mobile	
Contact email address	
Details of the complaint	
Action taken so far (including staff member who has dealt with it so far) or solutions offered	
The reason that this was not a satisfactory resolution for you	
What action would you like to be taken to resolve the problem?	

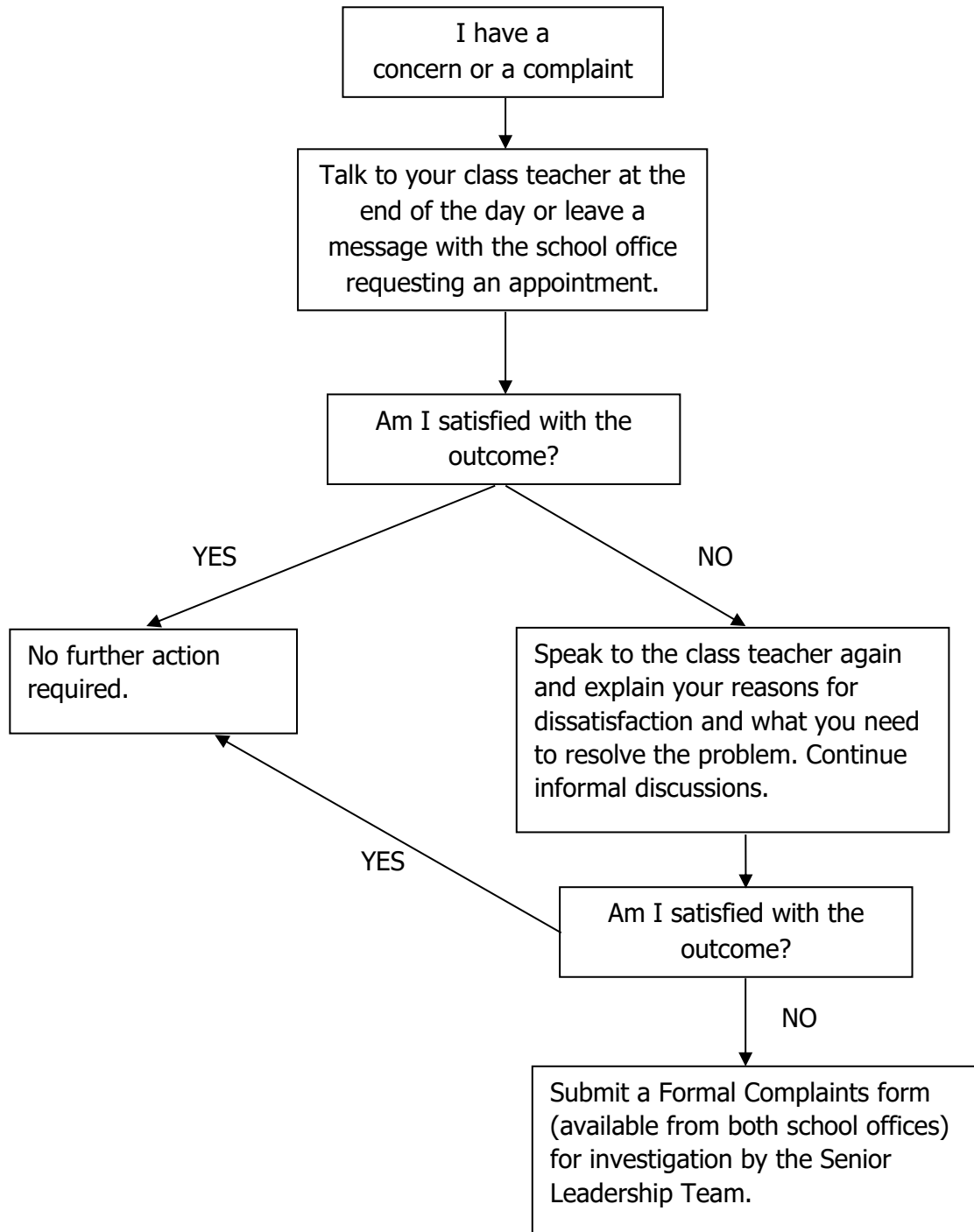
Signed

Date:

<i>Official use</i>	
Date received:	Signed:



## Complaints Procedure Flow Chart for parents





## Appendix A - Managing serial and unreasonable complaints

Trafalgar Schools' Federation 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 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. This procedure will also be used to manage unreasonable or persistent contact that is not directly associated with, or resulting from, formal complaints

Trafalgar Schools' Federation defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- 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
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- 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 and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the 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 Executive Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the Executive Headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively



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contact Trafalgar Schools' Federation 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 after six months.

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 Trafalgar Schools' Federation premises.