



Tenacitas  
Trust

# Complaints Policy

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## **1.0 Definition of a 'concern' and a 'complaint'**

A 'concern' is defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

A 'complaint' is defined as *'expression of dissatisfaction, however made, about actions taken or a lack of action'*.

## **2.0 Who can raise a concern or a complaint?**

Any person, including members of the general public, may raise a concern or complaint about any provision of *facilities* or *services* that the Trust provides, unless separate statutory procedures apply.

Although concerns or complaints are not limited to parents of pupils at a constituent academy in the Trust, complainants must be aware that unless they have parental responsibility, other than acknowledging receipt of the information, the Trust is not be in a position to discuss the pupil(s) in question. For clarification regarding parental responsibility, complainants should consult the following DfE guidance: [Dealing with issues relating to Parental Responsibility](#).

The Trust will not normally investigate anonymous concerns or complaints; however, in all cases, the Principal will determine whether the matter will be investigated.

Concerns or complaints should be lodged within 3 months of the incident arising. After this cut-off point, the Trust will not consider the concern or complaint, unless in exceptional circumstances.

Complainants are required to follow the procedure outlined in section 3.0. Any decision made by the Trust will be made in line with the principles of administrative law i.e.

- Lawful – it complies with education and other law, including human rights and equality law, such as the [Human Rights Act 1998](#) and the [Equality Act 2010](#)
- Rational.
- Reasonable.
- Fair.
- Proportionate.

If at any stage a complainant wishes to withdraw their complaint, this must be confirmed in writing.

## **3.0 Informal Procedure**

### **3.1 Stage 1**

If the complainant is a parent, they should address their concern or complaint by contacting

the following staff at the constituent academy:

### **3.11 Primary Academy**

- Class Teacher.
- Senior Leader for the Year Group.

### 3.12 Secondary Academy

- Head of House or Head of Subject Department.
- Senior Leader for the House or Subject Department.

If the complainant is not a parent, they should address their concern or complaint by contacting the Principal of the constituent academy.

## 3.2 Stage 2

If the complainant remains dissatisfied, they should address their concern or complaint by contacting the nominated Complaints Coordinator at the constituent academy.

### 3.21 Role of the Complaints Coordinator

The Complaints Coordinator will request that complainants complete **Appendix 1** to aid them in managing and processing the concern or complaint. However, if the complainant has communication preferences due to a disability or learning difficulty, the Trust will allow alternative methods of contact to comply with its obligations under the Equality Act 2010.

Following the completion and receipt of Appendix 1, the Complaints Coordinator will:

- Establish what has happened to date and who has been involved\*.
- Clarify the nature of the concern or complaint and what remains unresolved.
- If required, meet with the complainant.
- Interview all parties relevant to the complaint.
- Inform the complainant of the outcome (refer to 3.3).

\* Unless exceptional circumstances apply, the constituent academy will not accept, as evidence, electronic recordings of conversations that were obtained covertly and without informed consent of all parties being recorded.

## 3.3 Outcome

The Informal Procedure should be completed within **15** school days.

If the Trust acknowledges that the complaint is valid, in whole or in part, it may offer one or more of the following:

- An apology.
- An admission that the situation could have been handled differently or better (this is not the same as an admission of negligence).
- Mediation to help to rebuild the relationship between all parties.
- A review of relevant policies and procedures to ensure, where reasonable, the issue raised by the complainant will not recur or reoccur.

In terms of the outcome, where complainants raise a complaint about an employee, the

data protection principles associated with the Data Protection Act, and the Trust's legal duty of confidentiality, will limit what can be discussed or disclosed.

## 4.0 Formal Procedure

If the complainant remains dissatisfied with the outcome of the Informal Procedure, they are able to invoke the Formal Procedure. There are three stages:

- Referral to the Principal of the constituent academy.  
In the case of a complaint concerning the Principal, the referral should be made to the CEO. In the case of a complaint against the CEO, the referral should be made to the Chair of the Trust.  
In the case of a complaint against the Chair, it will be referred to a suitably skilled member of the Governing Board or investigator appointed by the Governing Board.
- Referral to a Complaints Appeal Panel.
- Referral to the Secretary of State.

### 4.2 Stage 1

- The complainant should complete Appendix 1 (refer to 3.21).
- The Principal/CEO/Chair of the Trust will acknowledge the letter within **5** school days and provide an opportunity to meet the complainant to discuss the complaint.
- The Principal/CEO/Chair of the Trust will investigate the complaint\* and provide a written response within **15** school days of receipt of the complaint. If this is not possible, a letter will be sent explaining the reason for the delay and providing a revised target date.
- The written response will include what action (if any) the Trust proposes to take to resolve the complaint or, if the complaint is dismissed, an explanation as to why. The complainant will also be advised that if he/she remains dissatisfied, the next stage is to appeal to the Board of Trustees.

\*If the Chair is unable to investigate the complaint, an Investigating Officer will be appointed. The Investigating Officer for the Trust is Mr. C. Niner.

### 4.3 Stage 2

- The Company Secretary will convene a Complaints Appeal Panel to hear the complainant's case. The Complaints Appeal Panel will consist of between 3-5 people who are not directly involved in the complaint. These people will be derived from the Local Governing Body (LGB) of the constituent academy (since a LGB is a committee of the Board) and/or Trustees.  
**One member of the Complaints Appeal Panel will be independent of the management and running of the Academy.**
- A written acknowledgement of the complaint will be sent within 5 school days.
- The Complaints Appeal Panel, within **20** school days of receiving the complaint, should hear the complainant's case.
- The Chair of the Complaints Appeal Panel will invite the Principal, CEO or Chair of the Trust, to prepare a written report in response to the complaint.
- All relevant correspondence, including additional material from the complainant and the written report from the Principal, CEO or Chair of the Trust, should be given to each

member of the Complaints Appeal Panel at least **5** school days prior to the appeal.

- The Chair of the Complaints Appeal Panel will inform the complainant, Principal, CEO or Chair of the Trust and members of the Complaints Panel, at least **5** school days in advance, of the date, time and venue of the hearing.
- Either party, subject to the approval of the Chair, may call witnesses to the appeal.



- The Complaints Appeal Panel may decide to uphold the complaint in full, uphold it in part, or dismiss it. The complainant will be notified of the decision, in writing, within 10 school days, and informed of the opportunity to take the matter up with the Secretary of State.

#### 4.4 Stage 3

If the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State by contacting the EFSA.

The EFSA cannot overturn the decision about a complaint. Its role is to make sure the complaint is handled properly by following a published procedure that complies with part 7 of the [Education \(Independent School Standards\) Regulations 2014](#).

When considering a complaint, the EFSA will review all the evidence including the academy's published policies, to determine whether it is appropriate to take any action. Action taken by the EFSA, where appropriate, typically involves explaining the legislative framework and what it means in practice at the Trust level or recommending improvements to statutory policies.

Academy Complaints and Customer Insight  
Unit EFSA  
Cheylesmore  
House 5 Quinton  
Road Coventry  
CV1 2WT

Telephone: 0370 000 2288 (National Helpline)

Web: [DfE Online Form](#)

## **5.0 Exclusions to the Policy**

### **5.1 Safeguarding Referrals**

Schools have a duty to safeguard and promote the welfare of their pupils under section 175 of the Education Act 2002. This includes making referrals to the appropriate organisation, usually local authority children's social care services, if they have a concern about the welfare of a child. It is not for an academy to investigate or make a judgment about possible abuse or neglect but it must refer any concerns it may have. As such, complaints about safeguarding referrals made in accordance with a statutory duty will not be considered under this policy.

If you have serious concerns, you may wish to contact the Local Authority Designated Officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). Refer to the Trust's [Safeguarding Policy](#)

### **5.2 Statutory Assessments of SEND**

These are dealt with by the Local Authority - [Southend Borough Council - SEND](#)

### **5.3 Admissions Appeals**

These are not complaints as such and are dealt with under a separate procedure - [Admission Appeals](#)

If you have not been successful in securing a place for your child you will receive a letter from the Local Authority refusing you a place and offering you the right of appeal.

### **5.4 Exclusions**

These are dealt with under a separate policy.

Further information about raising concerns about exclusion can be found at: [www.gov.uk/school-discipline-exclusions/exclusions](http://www.gov.uk/school-discipline-exclusions/exclusions)

### **5.5 Whistleblowing**

This is dealt with by a separate policy - [Whistleblowing Policy](#)

The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at through the DfE [Contact Form](#).

Other concerns can be raised directly with the DfE:

Department for Education  
Piccadilly  
Gate Store  
Street

Manchester  
M1 2WD

Telephone 0370 000 2288 and email: [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk)

## 5.6 Staff Grievances and Misconduct

These are dealt with under two separate policies - [Grievance Policy](#) and [Disciplinary \(Misconduct\) Policy](#)

Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint; however, the complainant will be notified that the matter is being addressed.

## 6.0 Serial and Persistent Complainants

There will be occasions when, despite all stages of the policy having been followed, the complainant remains dissatisfied.

If a complainant tries to re-open the same issue, the Chair of the Trust will inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts the Trust again on the *same* issue, then the correspondence may be viewed as 'serial' or 'persistent' and the Trust may choose not to respond.

Ultimately, if a complainant persists to the point that the Trust considers it to constitute harassment, legal advice will be sought.

## 7.0 Unreasonable Complainants

The Trust defines 'unreasonable complainants' as 'those who, because of the frequency or nature of their contacts with the academy, hinder our consideration of their or other people's complaints'.

A complaint may be regarded as unreasonable when 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 while still wishing their complaint to be resolved.
- Refuses to accept that certain issues are not within the scope of a complaints policy.
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales.
- Makes unjustified complaints about staff who are trying to deal with the issues and seeks to have them replaced.

- Changes the basis of the complaint as the investigation proceeds.
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed).
- Refuses to accept the findings of the investigation into that complaint where the Trust's policy has been fully and properly implemented and completed, including referral to the Secretary of State.
- Seeks an unrealistic outcome.

- Makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.
- 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.

## **8.0 Barring from the Academy Premises**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. The constituent academy will therefore act to ensure it remains a safe place for pupils, staff and

other members of their community. Refer to [Controlling Access to School Premises](#)

If a parent's behaviour is a cause for concern, the constituent academy will ask him/her to leave the premises.

In serious cases, the Principal will notify them, in writing, that their implied licence to be on the premises has been temporarily revoked. Should this be breached, the Trust may pursue the matter under section 547 of the Education Act.

Unless stated, the length of the bar is usually until the end of the term in which the incident occurred. Before lifting the bar, the case will be reviewed, taking into account any representations made by the parent, and a decision will be confirmed in writing.

Complaints about barring cannot be escalated to the Secretary of State. The only remaining avenue of appeal is through the courts - independent legal advice must therefore be sought.

**Appendix 1 – Complaint Form**

Please complete and return to the Complaints Co-ordinator or Principal who will acknowledge receipt and explain what action will be taken.

<b>Complaint Form</b>	
Pupil's name	
Complainant's name	
Your relationship to the pupil	
Address	
Telephone number	
E-mail address	
Nature of your complaint, including any actions you have taken to date. <i>Please attach any additional paperwork.</i>	
Actions you feel may resolve the complaint	
Signature	
Date	

