

# Complaints Policy & Procedure

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by the Board of Trustees

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Version

**V2**

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**Finance & Personnel**

Monitoring:

**Trust Board**

Related Policies

**Disciplinary Policy  
Data Retention Policy**

Where is this policy  
published?

**Thrive Intranet & School Websites**

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## 1 Thrive Charter

### Thrive Mission Statement

*Inspiring pupils to thrive in life*

### Thrive Values<sup>1</sup>

Thrive Co-operative Learning Trust **understands *thriving* to mean learning**, and *learning* to mean **growing in knowledge, self-reliance and in responsibility towards others**. Achieving this will allow pupils and staff to **develop a sense of agency and co-agency**, which is the awareness that we are powerful and can affect change, that life is something to be grasped rather than something that happens, and that we have maximum impact when ***we work together for the common good***. This sense of agency plays out at three scales as it affects the future of ***the individual, their community (local and national), and their planet***.

To thrive, pupils and staff need **environments that are safe**, for **equality to be promoted and diversity to be celebrated**, and for **wellbeing to be valued, nurtured and supported**.

- Because the service we provide is crucial to each pupil's future life chances, we ensure that **we give all pupils the opportunity to thrive**, whatever their background or perceived abilities.
- Because our task is challenging **we all strive to grow and develop**, and we support each other in this and in developing a good work-life balance.
- Because thriving happens best where adults provide pupils with a consistency of approach, **we need people who will play their part for the greater good of the team**.
- Because we serve our local communities **we act as partners in the process of assisting our children to thrive** and will work cooperatively to see this happen.
- Because leadership is a privilege **we exercise leadership in an ethical manner** and commit ourselves to upholding [The Seven Principles of Public Life](#).
- Because we are facing a climate crisis **we will work towards being an environmentally sustainable organisation** and will develop pupil and staff participation in achieving this.
- Because we are funded with public money we will ensure that **we focus our resources on pupils and enable them to thrive**.

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<sup>1</sup> Thrive's values are directly descended from the [Co-operative Values](#)

## 2 Introduction, and general approach

- 2.1 From time to time, and despite the best efforts of all concerned, schools will receive concerns and complaints. This document sets out the procedures that will hopefully result in agreeable resolutions in the vast majority of cases. The Trust Board believes that constant feedback plays an important role in self-improvement and raising standards at a school, and all schools should carefully consider feedback, and make amendments accordingly.
- 2.2 This policy is for parents, carers and others who wish to raise a concern or make a complaint about something that has happened at a Thrive school. It is not for staff or people who have professional or commercial dealings with the school.
- 2.3 There is a difference between a **concern** and a **complaint**. A **concern** is likely to require discussion between teacher, pupils and parent / carer. If the concern is not resolved by that means then it could become a complaint. A **complaint** is likely to arise when there are serious issues possibly affecting a pupil's wellbeing, or when the Trust's stated values or aims are not being met.
- 2.4 Whether raising a concern or making a complaint, individuals should feel that they can share their views and that these will be considered seriously. All complainants have the right to be accompanied when making the complaint. Some matters will not be considered under the Complaints Policy e.g. Admissions, Suspensions and Exclusions.
- 2.5 Schools will do their best to maintain an objective and open approach. Investigations will be full, fair and as timely as possible. All parties will be kept informed of progress and the decisions reached. Every effort will be made to respect confidentiality.
- 2.6 We will seek to resolve complaints by informal means wherever possible.
- 2.7 A timely resolution is desirable when dealing with concerns or complaints; delay can aggravate the original issue. Parties should be kept informed of the likely timescales involved in running appropriate processes, and any significant delays should be explained. Care must be taken to consider the matter carefully and thoroughly. Concerns should normally be raised, or complaints made, within one month of the incident occurring. Complaints will only be considered if lodged within 3 months of the incident. If a complaint is made after 3 months, the complainant must justify why it is out of this timescale e.g. the exceptional circumstances. The school will then decide whether to proceed with the complaint.
- 2.8 Complaints at Thrive schools are rare and those that do arise are generally resolved to everyone's satisfaction. It helps hugely if all parties can treat those involved with respect and courtesy. Concerns or complaints will be handled sensitively and considerately.

### 3 Informal Resolution

- 3.1 The vast majority of concerns and complaints are dealt with swiftly and informally, by whichever member of staff the complaint is made to. Occasionally, it may be obvious that the issue is potentially serious and the Headteacher / Head of School, or member of the Senior Leadership Team, should be informed straight away.
- 3.2 The first point of contact for parents or carers is likely to be the class teacher, subject / year group teacher or Pastoral Year Leader / Key Stage Leader. The member of staff will make a clear note of the details, if appropriate, and will ensure that the concern is followed up.
- 3.3 Ordinarily the Headteacher / Head of School should not be the first point of referral. Sometimes a parent / carer or pupil may not know who to approach to voice their concern or complaint, and may make their concern / complaint to a senior member of staff. This member of staff will refer the concern / complaint to the relevant person in the school, and will let the complainant know who this is.
- 3.4 If a member of staff is in any doubt of what to do, or the matter is not resolved, they should refer the concern or complaint to the Head of Department, Pastoral Year Leader / Key Stage Leader, or Line Manager as appropriate.
- 3.5 Appropriate records will be kept of all concerns or complaints. These records will be stored safely and confidentially. Where it is not possible to resolve a complaint swiftly, the school will ensure that the complaint is acknowledged within three working days. The complaint will then be investigated and a written response provided within ten working days.
- 3.6 In the event of a concern or complaint referencing the Head of School / Headteacher then the issue will be managed by their line manager.
- 3.7 ***If the concern / complaint is not resolved to the complainant's satisfaction then the school will share the Complaints Policy and Procedure with them and advise them on how to make a formal complaint, preferably using the form in Appendix A. If the complainant has previously written to the school requesting to make a formal complaint, then this will suffice. The formal complaint should be sent to the Headteacher / Head of School or Deputy Headteacher, who will acknowledge receipt of the complaint within 2 working days.***

### 4 Formal Stage 1: Referral to Headteacher / Head of School or Deputy Headteacher

- 4.1 As part of the consideration of the complaint, the parent or carer may be invited to a meeting to discuss the complaint and give any additional details. In any event, all parties involved should be seen as soon as possible and, if appropriate, witness statements taken and any evidence collected. Records will be kept and the outcomes of the investigation confirmed in writing. This

written response will explain the Headteacher / Head of School's decision and the reasons for it. If follow-up action is needed, an indication of what is being proposed will be given.

- 4.2 A written response will be made within ten working days. This may need to be extended if meetings with the complainant or other relevant persons are unable to be arranged within this time. Where this is the case, the complainant will be informed that the timescale will need to be extended and the school should seek to obtain the complainant's agreement to this.
- 4.3 ***If the complainant is not satisfied with the outcome of the investigation, and wishes to proceed to the next stage, they should inform the Chair of the Local Governing Body in writing within five working days.***

## 5 Formal Stage 2: Initial Referral to Chair of Governors or Their Delegate

- 5.1 The Chair of the LGB will decide if they should investigate the complaint themselves or delegate this to another member of the Local Governing Body, and inform the complainant of who will deal with the complaint within two working days.
- 5.2 The investigating Governor should talk to all relevant staff as necessary (Governors would not normally interview pupils themselves) and report back to the complainant with the outcome of their investigation in writing within ten working days, offering to meet in person.
- 5.3 ***If the complainant is not satisfied with the outcome of the investigation they have the right to appeal to the Trust Complaints Appeal Committee. If this is the case the Chair of the Local Governing Body will refer the complaint to the Chair of the Trust Board.***

## 6 Formal Stage 3: Trust Complaints Appeal Committee

- 6.1 The Chair of the Trust Board will acknowledge receipt of the referral within 2 working days and make arrangements for The Trust Complaints Appeal Committee to hear the complaint.
- 6.2 The Trust Complaints Appeal Committee will consist of at least three Trustees, none of whom have been previously involved, and who are independent of the school. At least one must be an independent panel member. This can be a governor, from a local governing body at a different school within the Trust, who has no conflict of interest or prior knowledge of the complaint, alongside 2 Trustees.
- 6.3 The Committee will aim to conclude its work within 20 working days.
- 6.4 The Trust Complaints Appeal Committee will probe into how well the complaint was handled at all previous stages, and to determine if the issue has been fairly and properly dealt with. It will be for the Committee to decide whether or not it is appropriate to interview the complainant as

part of its investigations. The Committee will have access to all records relating to the complaint.

- 6.5 The period of the Committee's deliberations may need to be extended beyond the 20 working days intended if meetings with the complainant or other relevant persons are unable to be arranged within this time. Where this is the case, the complainant will be informed that the timescale will need to be extended and their agreement sought.
- 6.6 The Trust Complaints Appeal Committee will meet to conclude the matter. The complainant must have reasonable notice of the date of the committee. The complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting. The complainant has the right to attend the meeting and be accompanied.
- 6.7 At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.
- 6.8 At the end of the Trust Complaints Appeal Committee meeting, the complainant and school representative(s) will be asked to leave whilst deliberations are made.
- 6.9 The Committee will formulate its conclusions and make any recommendations. They will also provide a copy of the findings and recommendations to the complainant within five working days of the meeting and, where relevant, the individual who is the subject of the complaint, and the Headteacher or Executive Headteacher.
- 6.10 The Trust Complaints Appeal Committee may decide to:
- uphold or dismiss the complaint in whole or part; and / or
  - recommend changes to the school's systems or procedures to ensure that similar problems do not occur again.
- 6.11 The complainant will be informed of the decision in writing within five working days of the Committee's determination (this may need to be extended if meetings with the complainant or other relevant persons are unable to be arranged within this time. Where this is the case, the complainant will be informed, and the school should seek to obtain the complainant's agreement to this).
- 6.12 ***If the complainant is not satisfied with the outcome of the Trust Complaints Committee's findings, they will be informed in writing of their right to refer their complaint to the DfE or Ofsted.***

## 7 Persistent Complaints

- 7.1 Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the Chair of Governors, or Chair of the Trust Board will inform the complainant that the matter is closed.
- 7.2 If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if (this list is not intended to be exhaustive):
- the school has taken every reasonable step to address the complainant's needs, and;
  - the complainant has been given a clear statement of the school's position and their options (if any), and;
  - the complainant is contacting the school repeatedly but making substantially the same points each time.
- 7.3 The school will most likely choose not to respond if:
- it has reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, and/or;
  - the individual's letters/emails/telephone calls are always or often abusive or aggressive, and/or;
  - the individual makes insulting personal comments about, or threats towards, school staff.
- 7.4 Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email. When making this decision, the school will ensure that complainants making any new complaint are heard, and that the school acts reasonably. The school will ensure that the complainant is fully aware of the paths open to them to refer the complaint to external bodies (see section 10).

## 8 Record keeping and annual reporting

- 8.1 Trust schools will log the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome, using the Trust's database. When a complaint reaches formal stages the records will also include copies of letters and emails, and notes relating to meetings and phone calls.
- 8.2 This material will be treated as confidential and held centrally, and will be kept entirely confidential, viewed only by those involved in investigating the complaint or on the review panel (except where the secretary of state or someone acting on their behalf or the complainant requests access to records of a complaint through a freedom of information (FOI) request or under the terms of the Data Protection Act, or where the material must be made available during a school inspection).

- 8.3 Records of complaints will be kept for the period of time determined in the Trust's Data Retention Policy.
- 8.4 The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.
- 8.5 The CEO will present an annual written report to the Trust Board giving anonymous details of the number of formal complaints received at each school, the general nature of complaints, how they were resolved, and at what stage. The Local Governing Body will receive a similar report for their individual school.

## 9 Referral to the Department for Education (DfE)

- 9.1 If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the Department for Education (DfE). The DfE will ensure that the complainant has followed the Trust's Complaints Policy and Procedure.
- 9.2 The DfE will check whether the complaint has been dealt with properly by the school. The DfE will not overturn a school's decision about a complaint, however, it will look into:
- Whether the school has a complaints procedure
  - Whether the school provided a copy of its Complaints Procedure when requested
  - Whether the school allowed its Complaints Procedure to be completed
  - whether there was an undue delay, or the school did not comply with its own complaints procedure;
  - whether the school was in breach of its funding agreement with the secretary of state;
  - whether the school has failed to comply with any other legal obligation.
- The DfE will only be able to consider the complaint if the complainant can provide evidence of the above.
- 9.4
- 9.3 If the school did not deal with the complaint properly, the school will be asked to re-investigate the complaint. If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly. For more information or to refer a complaint, see [this webpage](#).

## 10 Referral to Ofsted<sup>2</sup>

- 10.1 A complainant may refer their complaint to Ofsted. The complaint must refer to the school as a whole, and the complainant must have followed the school's complaints procedure. Ofsted cannot:
- consider issues about individual pupils;
  - investigate specific incidents, or judge how well a school has responded to a complaint;
  - mediate or resolve disputes between you and the school;

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<sup>2</sup> Information based on Ofsted's website.

- consider complaints if there are other legal ways to pursue them (for example, complaints about admissions or providing education for individual pupils with special educational needs).

10.2 Ofsted ordinarily direct the complainant to the school's Local Authority, and to the DfE (see section 9).

## APPENDIX A: Complaints form



Please contact the school if you would like a Word version of this Complaints Form:

**Your name:**

**Student name:**

**Your relationship to the Student:**

**Address:**

**Postcode:**

**Daytime telephone:**

**Evening telephone:**

**Date of incident (Complaints will only be considered if lodged within 3 months of the incident):**

**Please give details of your complaint.**

**Please describe what action, if any, have you already taken to try and resolve your complaint; who did you speak to and what was the response?**

Please explain what actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

**Thrive use only**

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

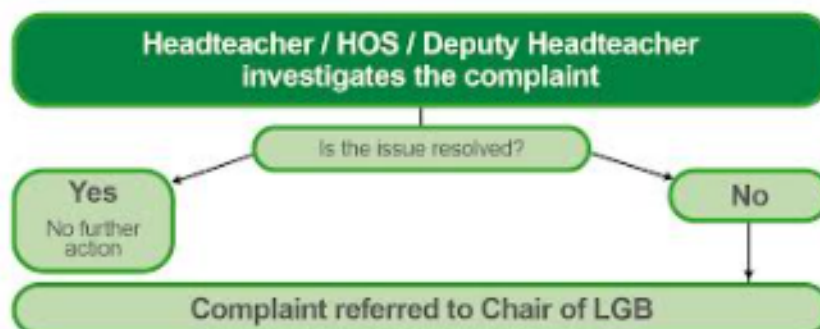
## APPENDIX B: Complaints Procedure Summary Flowchart

### Informal Resolution



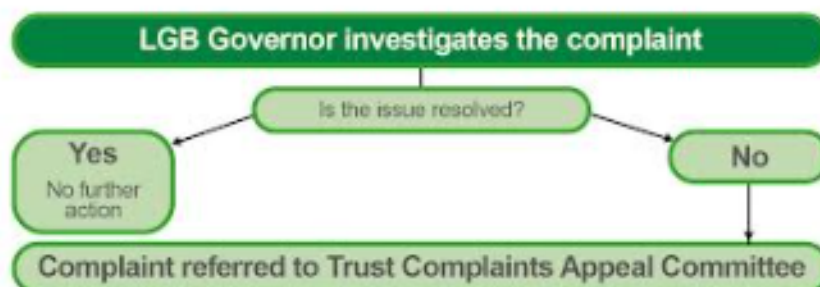
### Formal Stage 1

Referral to HT/HoS/DHT



### Formal Stage 2

Referral to Chair of LGB or their delegate



### Formal Stage 3

Trust Complaints Appeal Committee

