

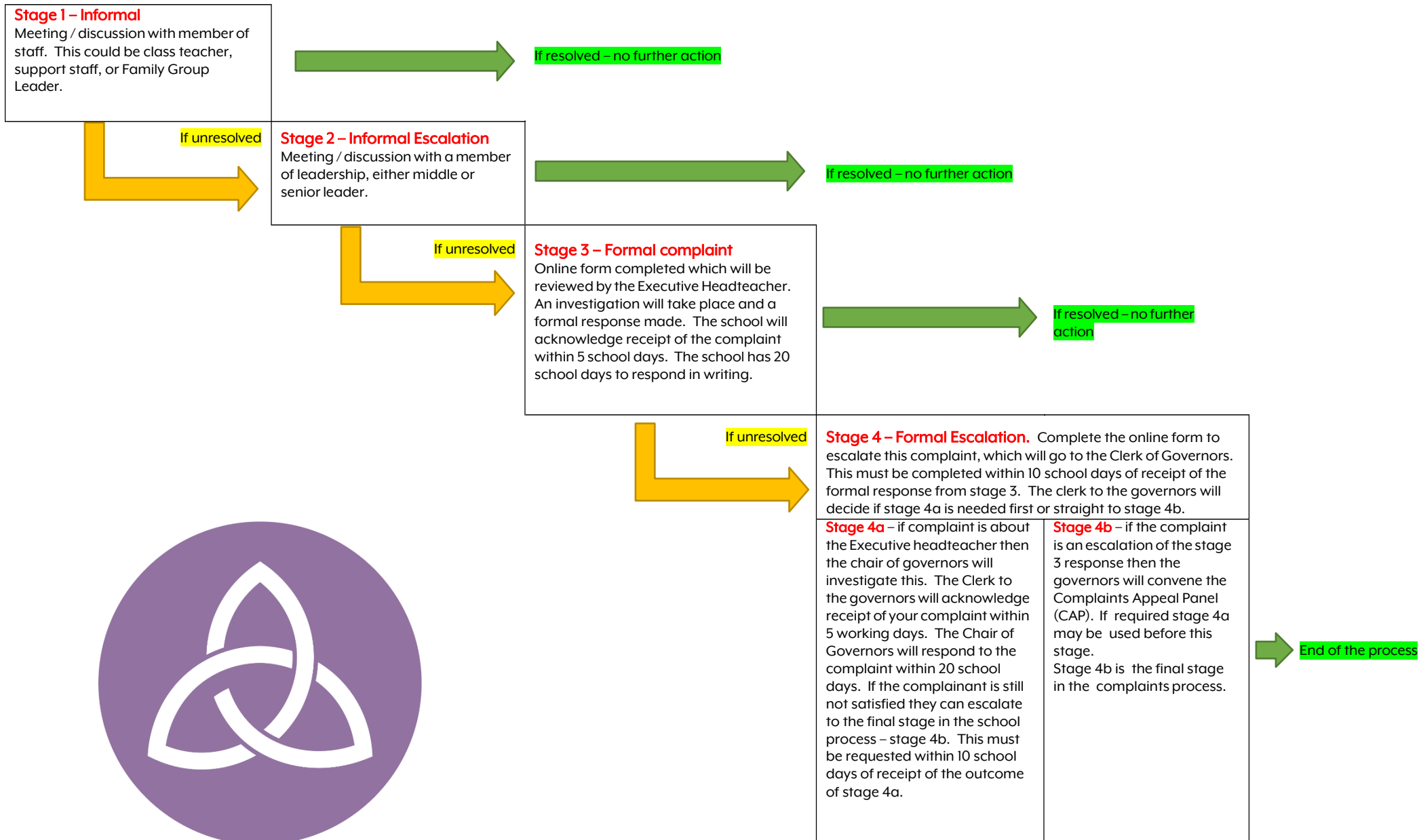


Trinity  
Taunton Road  
Lee, SE12 8PD  
Tel : 020 8852 3191  
Fax : 020 8463 0201  
Executive Headteacher  
David Lucas BSc (Hons) MA  
NPOHE

## Trinity Church of England School Complaints Policy

<i>Date Governor Approval</i>	<i>Date of next review</i>	<i>Notes</i>
<i>March 2024</i>	<i>September 2026</i>	<i>Approved by governors</i>

# Flowchart of procedure for handline concerns and complaints at Trinity Church of England School



## TRINITY SCHOOL COMPLAINTS PROCEDURE

Trinity Church of England School is committed to providing the best education for our young people and want our pupils to be healthy, happy, safe, and to do well. We recognise the importance of establishing and maintaining good relationships with parents, carers and the wider community. We are aware that there may be occasions where people have concerns or complaints, and the following procedure sets out the stages that should be followed in order to resolve these as quickly and informally as possible. This complaints policy helps underpin our vision, to ensure everyone can live life in all its fullness. Its aim is to ensure that a concern, difficulty, or complaint is managed sympathetically, efficiently and at the appropriate level and resolved as soon as possible.

### Legislation and Guidance

This document meets the requirements of section 29 of the [Education Act 2002](#), which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides. It is also based on [guidance for schools on complaints procedures](#) from the Department for Education (DfE).

### Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Trinity School about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (see scope of this complaints procedure section), we will use this complaints procedure.

### The difference between a concern and a complaint

A concern may be defined as ‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’.

A complaint may be defined as ‘an expression of dissatisfaction however made, about actions taken or a lack of action’.

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 complaint’s procedure. Trinity takes concerns seriously and will make every effort to resolve the matter as quickly as possible. Please see the summary of our process in the flowchart at the start of this document.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Executive Headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Executive Headteacher will refer you to another staff member. The member

of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand, however, that there are occasions when people would like to raise their concerns formally. In this case, Trinity School will attempt to resolve the issue internally through the stages outlined in this complaint's procedure.

### Complaints received outside of term time

We will consider complaints made outside of term time to have been received 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 Trinity Church of England School, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>● Admissions to schools</li> <li>● Statutory assessments of Special Educational Needs</li> <li>● GDPR</li> <li>● School re-organisation proposals</li> </ul>	<p>Concerns about admissions, statutory assessments of Special Educational Needs, GDPR, or school re-organisation proposals should be raised with the Local Authority.</p>
<ul style="list-style-type: none"> <li>● Exclusion of children from school*</li> </ul>	<p>Further information about raising concerns about exclusion can be found at:  <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.  <i>*complaints about the application of the <a href="#">behaviour policy</a> can be made through the school's complaints procedure.</i></p>
<ul style="list-style-type: none"> <li>● Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at:  <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>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 LA or the Department for Education (see link above), depending on the substance of your complaint.</p>

<ul style="list-style-type: none"> <li>• Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint.</p> <p>However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about their service. Please contact them direct.</p>

### **How to raise a concern or make a complaint**

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with either the class teacher, year progress leader or the senior leader responsible for a particular area (e.g. Head of Maths, Senior Leader responsible for behaviour etc.) If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual Governors to raise concerns or complaints. They have no power to act individually, which may also prevent them from considering complaints at Stage 4 of the procedure.

Complaints against school staff (except the Executive Headteacher) should be made in the first instance, to the Executive Headteacher online here:

<https://forms.office.com/r/BJVxdilY22> . Please visit our reception desk for assistance with this form.

Complaints that involve or are about the Executive Headteacher should be completed online here: <https://forms.office.com/r/dfGt9hMPUL>. This will go straight to the Clerk to the Governors. Please visit the school reception if you would like a paper copy or help completing this online form.

Complaints about the Chair of Governors, any individual governor or the whole governing body should also complete the form <https://forms.office.com/r/dfGt9hMPUL>. The Clerk to the Governors will decide on the best course of action. Again, please visit the school reception if you require a paper copy or help completing this online form.

If you need help completing the form, please contact the school office. You can also ask third-party organisations like Citizens Advice for help.

In accordance with equality law, we will consider making reasonable adjustments if

required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

The complainant will get a more effective and timely response to their complaint if they:

- follow these procedures.
- co-operate with the school throughout the process and respond to deadlines and communicate promptly.
- treat all those involved with respect.
- not publish details about the complaint on social media.
- respect the needs of pupils and staff within the school.
- recognise the time constraints under which school staff work and allow the school a reasonable time to respond to a complaint.
- recognise that resolving a specific problem can sometimes take some time.

### **Anonymous complaints**

We will not normally investigate anonymous complaints. However, if appropriate, the Executive Headteacher or Chair of Governors will determine whether the complaint warrants an investigation.

### **Time scales**

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. If exceptional circumstances apply, we will consider complaints made outside of this time frame.

### **Complaints received outside of term time**

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

### **Resolving complaints**

At each stage in the procedure, Trinity wants to resolve the complaint in a fair and timely manner. If appropriate, we will acknowledge that the complaint is upheld, in whole or in part. In addition, we may offer one or more of the following:

- 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.
- an apology.

## **Withdrawal of a Complaint**

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

## **Persistent / Vexatious Complaints**

The majority of complaints are resolved through a properly managed complaints procedure. However, there are occasions when:

- Despite all stages of the procedure having been followed, the complainant remains dissatisfied. If a complainant tries to reopen the same issue the Chair of Governors may write informing them that all stages of the procedure have been exhausted and the matter is considered to be closed.
- Complainant's behave in an unreasonable manner when raising and/or pursuing concerns as detailed below.

If a complaint is deemed to be vexatious, the school will respond directly to the complainant explaining why it is thought to be so, and explaining that the complaint will be dealt with following the procedures set out in this document. If all stages have been concluded then they will be told this case is closed with no further action. The school will also consider if the making of a vexatious complaint also requires the application of a restriction on communication with the school.

Most complaints raised will be valid and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it's already been resolved by following the school's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Knowingly provides false information
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaint's procedure
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refused to co-operate with this complaint's procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- Changes the basis of the complaint as the investigation goes on
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

## **Steps we will take**

We will take every reasonable step to address the complainant's concerns, and give them a

clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as Citizens Advice
- Put any other strategy in place as necessary

Stopping responding. We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of threats of or actual aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our school site.

### **Duplicate complaints**

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to consider.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete.
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint.

If there are new aspects, we will follow this procedure again.

### **Complaint campaigns**

Where the school receives a large volume of complaints about the same topic or subject,



especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all of the complainants

**If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply as set out below.**

### **STAGE 1: Informal**

Please contact the relevant Family Group Leader (FGL)/Class teacher about your concern. This is usually the best and quickest way of resolving issues.

- It is recommended that you make an appointment to speak to the Family Group Leader or class teacher as soon as possible. This will give both parties the opportunity to discuss the issue appropriately and without being interrupted.
- It is important to recognise that schools are busy organisations and it may not be possible to offer an appointment straight away.
- The purpose of this meeting should be to establish the nature of the concern and to seek a realistic resolution to the problem.
- It is good practice for the Family Group Leader/Class teacher to make a brief written record of the concern raised and any actions agreed.

### **STAGE 2: Informal Escalation**

If you feel dissatisfied with the outcome of discussions with the Family Group Leader/Class teacher, please ask for an appointment to meet with a nominated member of our middle or senior leadership team with responsibility for the operation and management of the school complaints relating to the nature of the complaint.

Family group leader / class teacher	Each pupil in the primary has a class teacher you can talk to. These are overseen by the Assistant Head, Deputy Head and Head of School. Within the secondary phase, all the pupils have a Family Group Leader (tutor). These are overseen by Year Progress Leaders.
Year Progress Leaders	A designated progress leader and deputy progress leader is assigned to each year group. Progress Leaders line manage all class teachers within their year group. There is an assistant head responsible for the pastoral team.
Head of department / subject	Each subject area has a lead person who is responsible for all the teachers within that subject area within the secondary phase. Within the primary phase you can talk to the assistant or deputy head about specific subject concerns.

Senior Leadership Team	We have 10 senior leadership members comprising of Head of School, Deputy Heads and Assistant Heads. Senior Leaders line manage all Year Progress Leaders, Class Teachers, subject areas and support staff.
Executive Headteacher	Responsible for the total operation and management of both Primary and Secondary sites, and the complete responsibility for the safety and wellbeing of all staff & pupils across both sites.
Governing Body	Oversee the strategic direction of the school and hold the school to account.

### **STAGE 3: Formal complaint**

If you feel that the issue you have raised has not been resolved through the informal process (stage 1 and 2) and you wish to pursue it further you may raise it through the formal procedure. To do this you must complete the online formal complaint form that can be found here <https://forms.office.com/r/BJVxdilY22>. If you require a paper copy, please contact the school office.

- The Executive Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.
- Within this response, the Executive Headteacher may seek further clarification of the nature of the complaint and ask what remains unresolved and what outcome the complainant would like to see. The headteacher can consider whether a face-to-face meeting is the most appropriate way of doing this or whether the material provided is sufficient to carry out the investigation.
- Note: The Executive headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.
- During the investigation, the Executive Headteacher (or investigator) will:
  - if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
  - keep a written record of any meetings/interviews in relation to their investigation.
- At the conclusion of their investigation, the Executive Headteacher will provide a formal written response within 20 school days of receiving the complaint.
- If the Executive Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.
- 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 the school's actions to resolve the complaint.

- The Executive Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 3.
- If the complaint concerns the headteacher or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 3.
- Complaints about the Executive Headteacher or member of the governing body must be made to the Clerk, via this link <https://forms.office.com/r/dfGt9hMPUL>.

### **Concerns or complaints specifically about the Executive Headteacher and/or any individual Governor**

If you are unhappy about the decision the Executive Headteacher has made about your complaint, this does not become a complaint about the Executive Headteacher. However, if the complaint is about the Executive Headteacher's conduct and you feel that it has not been resolved at the informal stage, then you should move directly to Stage 4 of the procedure and complete this online form: <https://forms.office.com/r/dfGt9hMPUL>.

A complaint specifically about an individual governor's conduct that has not been resolved at the informal stage should also proceed directly to Step 4 and be made to the Chair of Governors using the form here: <https://forms.office.com/r/dfGt9hMPUL>.

### **Concerns or complaints specifically about the Chair of Governor**

A complaint about the conduct of the school's Chair of Governors needs to be made using this online form: <https://forms.office.com/r/dfGt9hMPUL>. The recipient's response will include options if the complaint is unresolved which might involve moving to Step 4b, the Governing Body's Complaints Appeal Panel (CAP).

### **Stage 4: Formal Escalation (final stage)**

If you are not satisfied with the response of the Executive Headteacher or you have a concern or complaint that is specifically about the Executive Headteacher and which has not been resolved at the informal stage, then you must complete the online form here: <https://forms.office.com/r/dfGt9hMPUL>. Step 4 is the final stage and goes to the Clerk to the Governing body. They may decide that an investigation is required and, therefore, use the stage 4a route before moving to a formal governor's panel (stage 4b). The final stage (stage 4b) involves a meeting with members of the governing body's complaints committee, which will consist of at least 3 Governors or 2 Governors and an independent advisor. This is the final stage of the complaint procedure.

- A request to escalate to Stage 4 must be made to the Clerk via the online form within 10

school days of receipt of the Stage 3 response.

- The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days. They will inform the complainant if the decision is to follow stage 4a or to go to stage 4b straight away.
- If Stage 4a is used then the chair of governors will carry out an investigation. A written response detailing the outcome of this investigation will be completed within 20 school days. If the complainant is not satisfied with the outcome of stage 4a, then they can inform the clerk to the governors that they wish to take the complaint to the Complaints Appeal Panel (CAP) (stage 4b). This panel is the final stage in the process.
- Requests received outside of this time frame will only be considered if exceptional circumstances apply.
- For stage 4b the Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 school days of receipt of the Stage 4 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.
- If the complainant rejects the offer of reasonable proposed dates without good reason, the named person/role will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.
- The complainant may bring someone along to provide support at the hearing. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting.
- For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by a union and/or work colleague.
  - Note: Complaints about staff conduct will not be handled under this complaint's procedure. Complainants will be advised that any complaints about staff misconduct will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with the complainant.
- Representatives from the media are not permitted to attend.
- At least 5 school days before the meeting, the Clerk will:
  - confirm and notify the complainant of the date, time and venue of the meeting (which can be face to face or online), ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
  - request copies of any further written material to be submitted to the committee at least 3 school days before the meeting.
- Any written material will be circulated to all parties at least 2 school days before the date

of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

- The committee will also not review any new complaints at this stage or consider evidence unrelated to the 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 a complainant's 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.
- The committee will consider the complaint and all the evidence presented. The committee can:
  - uphold the complaint in whole or in part
  - dismiss the complaint in whole or in part.
- The specifics of the meeting can be found in Appendix 1 below.

On conclusion of the governing body hearing, the Panel's decision is regarded as final and all stages within the School's complaints procedure are exhausted.

### **Next Steps**

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 4.

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

The complainant can refer their complaint to the Department for Education online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD.

### **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 the Local Authority's children's social care services, if they have a concern about the welfare of a child. It is not for the school to investigate or make a judgment about possible abuse or neglect but they must refer any concerns they may have. As such, any response to or investigation in relation to a complaint about a safeguarding referral made by school staff will be limited to considering whether the appropriate action was taken at the time the referral was made on the basis of the information available to the referrer at that time and in accordance with the safeguarding policy.

### **Allegations of abuse**

Allegations of abuse against a member of school staff must be reported to the Executive Headteacher immediately. Allegations of abuse against the Executive Headteacher must be reported to the Chair of Governors immediately. In all cases the Lewisham's Safeguarding Children Board *Arrangements For Managing Allegations Of Abuse Against People Who Work With Children Or Those Who Are In Positions Of Trust* must be followed.

## Appendix 1

### Protocol for complaint heard by Governing Body's Complaints Appeal Panel (CAP)

On conclusion of the stages set out in this document, Complainants can ask for their complaint to be heard by a committee of the Governing body.

Then the Chair of Governors or, if the Chair has been involved at any previous stage in the process, a nominated governor, will make arrangements to convene a meeting of the Governing Body's Complaints Appeal Panel (CAP).

This is the last school-based stage of the complaints process and is not convened merely to rubber-stamp previous decisions.

The Governing Body may nominate members with delegated powers to hear complaints and set out its terms of reference. These can include:

- Drawing up and reviewing its procedures;
- Hearing individual complaints;
- Making recommendations on policy as a result of complaints.

#### **The remit of the CAP:**

The Complaints Appeal Panel (CAP) is responsible for conducting a thorough review process to ensure that all complaints escalated to Stage 4 (the final stage) are treated with fairness and impartiality. This review process includes assessing whether all procedures were followed, examining the decisions and actions taken, identifying any new evidence, considering the merits of the complaint, ensuring equity and fairness, and making recommendations for resolution.

The Panel can:

- 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 school's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any governor sitting on the CAP needs to be mindful of:

- a) It is important that the appeal hearing is independent and impartial and that it is seen to be so. Therefore, no governor may sit on the Panel if they have had prior involvement in the complaint or in the circumstances surrounding it. In deciding the makeup of the panel, governors need to try to ensure that it is a cross-section of the categories of governors and sensitive to the issues of race, gender, and religious affiliation.

- b) The aim of the hearing, whether conducted privately in person or online, or written presentation, is to resolve complaints and achieve reconciliation between the School and the Complainant. However, it must be recognised that the Complainant might not be satisfied with the outcome if the hearing is not in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the Complainant that his or her complaint has been taken seriously.
- c) An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel Chair will ensure that the proceedings are as welcoming as possible.

### **Roles and responsibilities for the CAP**

- **Chair of the CAP:** The chair is responsible for ensuring an impartial and fair hearing, whether in written form or via a meeting. The Chair leads the discussion, ensures all parties are heard, and ensures the decision-making process is transparent.
- **Clerk to the CAP:** The Clerk manages the administrative aspects, including scheduling, communications, and documentation. The Clerk notifies parties of the process chosen for handling the complaint, collects written submissions, and records the proceedings and outcomes.
- **Panel Members:** Panel members review submissions or participate in meetings, contribute to discussions, and help in decision-making. They must remain unbiased and focused on resolving the complaint based on the school's policies.

### **Option for Handling Complaints**

Upon escalation to the CAP, a preliminary assessment will determine whether the complaint should be addressed through:

**Written Representations:** A thorough review of written submissions from all parties.

**Hearing:** An in-person or virtual meeting involving all relevant parties.

The CAP reserves the right to adopt a bespoke approach tailored to the specific circumstances and complexity of the complaint, ensuring that the process is conducted with fairness, transparency, and inclusivity. The selection of the approach will be considered, taking into account the intricacies of the complaint and practical considerations to facilitate an equitable resolution.

This customised approach may incorporate varied methods such as conducting separate hearings for different parties involved or integrating both oral hearings and written representations, contingent upon what the governors deem most suitable.

### **Written Representation**

This procedure allows the Complaints Appeal Panel (CAP) to assess and decide on complaints through the careful consideration of written submissions from all involved parties. It aims to offer a fair, transparent, and efficient resolution process.



#### Step 1: Initiation

- Upon determining that a complaint will be handled through written representations, the Clerk of the CAP will notify all parties involved, outlining the procedure.
- Parties include the complainant, the respondent and any relevant witnesses or stakeholders.

#### Step 2: Submission Guidelines

- Complainant's Submission: The Complaints Appeal Panel (CAP) will refer to the information submitted by the complainant via the online form available at <https://forms.office.com/r/dfGt9hMPUL>. The CAP may request further information.
- Respondent's Submission: The school or individual respondent provides a written response addressing the points raised by the complainant, including a justification of actions taken or decisions made.
- Witness Statements: Witness statements or additional documents supporting either side of the complaint may be submitted.
- Guidelines on format, length, and specific content will be provided to ensure clarity and relevance.

#### Step 3: Timeline for Submission

- A deadline for submissions will be set, typically within 10-15 school days from the notification, allowing adequate time for parties to prepare their representations.

#### Step 4: Review Process

- The CAP will review all written submissions comprehensively. This includes evaluating the facts, the sequence of events, adherence to policies, and the merits of the arguments presented.
- The panel may request further clarification or additional information if necessary.

#### Step 5: Deliberation and Decision

- The CAP deliberates on the submissions in a closed session, considering the evidence, the school's policies, and any applicable legal or educational standards.
- Based on the evidence and submissions provided, decisions will be made to either uphold, partially uphold, or dismiss the complaint.

#### Step 6: Communication of Decision

- The decision, along with a detailed rationale, will be communicated in writing to all parties by the Clerk. This communication will include any actions to be taken by the school or recommendations for changes to policies or practices.
- The letter will also outline the complainant's rights to further appeal or review outside the school system, if applicable.

#### Step 7: Record Keeping

- All documents, submissions, and the record of the decision will be maintained securely in compliance with data protection regulations and the school's record-keeping policies.

#### Step 8: Feedback and Improvement

- Feedback may be solicited from the parties involved to refine the written representation

process for future complaints.

- The CAP, in conjunction with school leadership, will consider any recommendations for systemic changes or improvements to school policies and practices resulting from the review of the complaint.

## Hearing Procedure for the Complaints Appeal Panel (CAP)

### Pre-Hearing Preparations

1. **Notification of Witnesses:** Both the complainant and the Executive Headteacher must inform the Clerk in advance of the hearing about any witnesses they intend to call. This notification should include the witness's relevance to the complaint. It's the responsibility of the notifying party to inform their witnesses about the hearing's date, time, and venue.
2. **Submission of Additional Evidence:** All additional evidence or documents to be considered during the hearing must be submitted to the Clerk at least 5 school days prior to the hearing. The Clerk will ensure that all such materials are shared with both parties and the Panel members in advance.

### Conducting the Hearing

3. **Opening Statements:** The hearing will commence with opening statements from the complainant and then the Executive Headteacher, where they outline the key points of their case.
4. **Presentation of Evidence:**
  - The complainant may make an oral statement elaborating on the written complaint and call witnesses to support their case.
  - Witnesses present their evidence and are subject to questions from the Executive Headteacher and the Panel.
  - The Executive Headteacher then makes an oral statement regarding the complaint, potentially calling their witnesses, who are also open to questioning.
5. **Questioning:**
  - Following each presentation, the opposing party and the Panel may ask questions to clarify points or gather additional information.
6. **Review of Formal Complaints and Investigations:** If the complaint has previously been addressed by the Chair of Governors or an independent investigator at Stage 4a, they will present their findings and may be questioned by both parties and the Panel.
7. **Closing Statements:** Once all evidence has been presented and questions answered, the Chair will invite both the complainant and the Executive Headteacher to make their final statements regarding the complaint.
8. **Adjournments:** At any stage, either party may request an adjournment to gather

further evidence or for deliberation. The Chair will consider such requests, keeping in mind the goal of resolving the complaint efficiently.

9. **Deliberation:** After final statements, all parties will withdraw, allowing the Panel to deliberate on the evidence presented. The Clerk assists by providing procedural advice but does not contribute to the decision-making.

#### Post-Hearing

10. **Panel Decision:** The Panel's decision, including any actions to be taken or recommendations made, will be communicated in writing to the complainant within 5 school days of the hearing, barring exceptional circumstances. In case of a delay, the complainant will be informed promptly of the reason.
11. **Finality of Decision:** The decision rendered by the CAP is final within the school's complaint handling process. Complainants dissatisfied with the outcome will be informed about their right to appeal to external bodies, such as the Secretary of State, providing the necessary contact details and procedures.

## MODEL LETTER 1:

### INITIAL LETTER INFORMING A COMPLAINANT THAT HIS/HER BEHAVIOUR IS CONSIDERED TO FALL BELOW A REASONABLE/ ACCEPTABLE STANDARD

#### RECORDED DELIVERY

Dear

This letter is to inform you that the School considers your actions in [*describe actions, dates, behaviour*] on **XXXXXXXXXX** when you **.....** to be unreasonable/unacceptable [*delete as appropriate*].

We would ask you to bear in mind the fact that such behaviour on a school site can be disruptive and distressing to pupils, staff and parents/carers [*delete if behaviour complained of did not occur on school site e.g. persistent use of e-mail, verbally abusive telephone calls*].

We are aware that you have raised some concerns, and would advise you that these are usually dealt with most effectively through the School's Complaints Procedure.

At the moment we are dealing with these issues by [*describe actions being taken to resolve concern*].

Please note that the school expects that all people dealing with the School behave reasonably. These standards of behaviour include:

- behaving reasonably at all times
- treating others with courtesy and respect
- resolving complaints using the School's Complaints Procedure
- avoiding physical and verbal aggression at all times

The Policy also indicates the steps that we may take if these standards are breached. These include:

- making special arrangements for meetings and communication with the School
- considering a ban from the School premises
- considering legal action

I would ask that you allow the School time to resolve the issues according to the correct procedures, and would assure you that we shall take every possible step to move this process forward as quickly as possible.

Yours sincerely  
Headteacher

## MODEL LETTER 2:

### INFORMING A COMPLAINANT THAT HIS/HER BEHAVIOUR IS NOW CONSIDERED TO FALL UNDER THE TERMS OF THE POLICY FOR DEALING WITH PERSISTENT OR VEXATIOUS COMPLAINTS / HARASSMENT

#### RECORDED DELIVERY

Dear xxxxxxxxxx

You will recall that I wrote to you on *[insert date]* telling you that I felt your behaviour was unreasonable.

I am now writing to inform you that in view of your behaviour on [date], when you *[describe actions/behaviour]* it has been decided that the xxxxxxxxx

In the circumstances I have made the following arrangements for your future contact with the school:

*[\*Delete as applicable]*

\*For the foreseeable future, should you wish to meet with a member of staff, I would ask you to note:

- (a) an appointment will be arranged and confirmed in writing as soon as possible;
- (b) a third party from the school will be present;
- (c) in the interests of all parties, formal notes of this meeting may be made.

\* For the foreseeable future, all routine communication with the School should be by letter only.

Please address letters to .....at the School. We shall respond as quickly as possible. E-mail correspondence will not be responded to.

Exceptionally, these arrangements do not apply to any emergency involving *[insert name of student]* – in which case you should contact the school in the usual way – or to parents' evenings, which will continue as in the past, but with a third party from the school present.

These arrangements take effect straightaway. If you wish to make a representation about the contents of this letter, which may include any expressions of regret on your part and any assurances you are prepared to give about your future good conduct, you can do so by writing to me at the school by *[state ten working days from the date of the letter]*. If on receipt of your comments I consider that the arrangements outlined above should continue, you will be supplied with details of how to review a circumstance of your case.

I do hope that the difficulties we are currently experiencing can soon be resolved.

Yours sincerely  
Executive Headteacher