



**The
Three
Rivers**
Learning Trust

Name of Policy	Complaints Procedure
Policy Number	S8
The Three Rivers Learning Trust	
Named Person(s)	Simon Taylor
Review Committee	Full Board
Last review date	Summer 2021
Next review date	Summer 2023



**The
Three
Rivers**
Learning Trust

Company Number: 7838203
Registered in England and Wales
VAT Registration Number: 123 4996 04

COMPLAINTS PROCEDURE OF THE THREE RIVERS LEARNING TRUST

Definitions

“concern”	means an expression of worry or doubt in respect of the services provided by a School or the Trust.
“Complainant”	means a parent or third party who raises a concern or a complaint under this procedure.
“complaint”	means an expression of dissatisfaction with the services provided by a School or the Trust.
“parent”	means: <ul style="list-style-type: none">i. all natural (biological) parents of a Student, whether they are married or not;ii. any person who, although not a natural parent, has parental responsibility for a Student (this could be a step-parent, guardian or other relative); oriii. any person who has care of Student, although not a natural parent.
“parental responsibility”	means all the rights, duties, powers, responsibilities and authority that a parent has as a parent of a Student.
“person who has care of a Student”	means a person with whom the Student lives and who looks after the Student, irrespective of what their relationship is with the child.
“the Procedure”	means this procedure, the Complaints Procedure of The Three Rivers Learning Trust.
“third party”	means any person who is not a parent of a Student.
“a School”	means an individual school within the Trust. A comprehensive list of schools can be found at https://www.the3rivers.net/our-schools .
“Student”	means a Student enrolled at a School.
“the Trust”	means The Three Rivers Learning Trust, a registered company in England and Wales with company number 7838203.
“working day”	means a week day during term time, when the relevant school is open and excludes weekends and Bank Holidays during term time.

Purpose

1. This procedure has been drawn up to describe how the Trust or a School deals with the handling of complaints from parents or a third party.
2. The Procedure can be used to raise a concern or make a complaint(s) against:
 - 2.1. the Trust;
 - 2.2. a School;
 - 2.3. a person who works for the Trust or a School; and/or
 - 2.4. a person who serves as a Trustee or Academy Councillor of the Trust.
3. Please remember that, in making a complaint, the law provides the alternate procedures to deal with the following:
 - 3.1. Complaints in respect of the curriculum, collective worship and religious education;
 - 3.2. Appeals in respect of admissions to a school;
 - 3.3. Appeals in respect of exclusions from the school; or
 - 3.4. Appeals about assessments and statements in respect of special educational needs.

Accordingly, the Procedure cannot be used to challenge these items.

4. Should you require, the Trust can provide further information on the alternate procedures, mentioned above. Please contact complaints@the3rivers.net for more information.
5. Other Trust policies may be used to support or replace the Complaints Procedure depending on the nature of the complaint; examples include -
 - 5.1. Admissions Policy
 - 5.2. Grievance Policy
 - 5.3. Whistleblowing Policy
 - 5.4. Child Protection and Safeguarding Policy
 - 5.5. The various Human Resources Policies

Aims and Overview

6. The Procedure consists of the following stages:
 - 6.1. Stage 1 – Informal;
 - 6.2. Stage 2 – Formal; and
 - 6.3. Stage 3 – a Panel Hearing.

A diagram of the Procedure can be found at Appendix A.

7. The Procedure distinguishes between a concern, which can be resolved informally and a formal complaint which requires further investigation.
8. The Procedure aims is to ensure that a concern or complaint from a parent or third party is managed sympathetically, efficiently, at the appropriate level and is resolved promptly. The Trust hopes that most complaints can be resolved informally.
9. Accordingly, the Trust is committed to:

- 9.1. Fostering good relationships with Students, parents and the communities where we provide education;
 - 9.2. Managing a concern or complaint at the appropriate level efficiently and with the necessary sympathy;
 - 9.3. treating all concerns raised seriously and confidentially irrespective of whether they were raised informally or formally; and
 - 9.4. resolving a concern or complaint in:
 - 9.4.1. a timely manner; and
 - 9.4.2. a fair, open and transparent way.
10. The Trust hopes that a parent or third party will be confident that in raising a concern or complaint, under the procedure, that this will not adversely affect a Student or their opportunities at the Trust.
11. Decision makers, panel members and those hearing an appeal cannot have a family relationship with the member of staff involved and must be replaced by a suitable, unconflicted, person.

Timescales

12. It is in everyone’s interest that complaints are resolved at the earliest possible stage.
13. Timescales for each stage of the Procedure are set out below in **bold**.
14. Generally, concerns or complaints will be considered during working days. However, in certain circumstances, at the full discretion of the Trust acting through the Chief Executive Officer (**CEO**) or the Chair of the Board of Trustees, the Trust may deem it necessary to consider a concern or complaint outside of a working day.
15. In keeping with our commitment to foster good relationships and resolve concerns or complaints in a timely manner, it is important that a Complainant informs us, as soon as practically possible if there is:
 - 15.1. any cause for dissatisfaction after utilising the Procedure; or
 - 15.2. a delay on their part, when complying with the Timescales under the Procedure.
16. The Trust recognises that a challenge that is not resolved quickly and fairly may jeopardise the relationships and culture we seek to foster as the Trust.

Where to direct a complaint or concern

17. Generally, all complaints about a School should be directed to the Headteacher at:

School	Email	Address
Abbeyfields First School	complaints@abbeyfields.the3rivers.net	Abbots Way Morpeth Northumberland NE61 2LZ

Chantry Middle School	complaints@chantry.the3rivers.net	Mitford Road Morpeth Northumberland NE61 1RQ
Dr Thomlinson C of E Middle School	complaints@dtms.the3rivers.net	Silverton Lane Rothbury Northumberland NE65 7RJ
Harbottle C of E First School	complaints@harbottle.the3rivers.net	Harbottle Northumberland NE65 7DG
The King Edward VI High School	kevicomplaints@the3rivers.net	Cottingwood Lane Morpeth Northumberland NE61 1DN
Newminster Middle School	complaints@newminster.the3rivers.net	Mitford Road Morpeth Northumberland NE61 1RQ
Stobhillgate First School	complaints@stobhillgate.the3rivers.net	Morpeth NE61 2HA
Thropton Village First School	complaints@tvfs.the3rivers.net	Thropton Northumberland NE65 7JD

18. Complaints about a Headteacher or any complaints about the Trust, an Academy Councillor or the Chair of the Board of Trustees should be directed to the Chief Executive Officer (**CEO**) of the Trust.

ceo@the3rivers.net

19. Complaints about the CEO, another member of the Senior Leadership Team of the Trust and/or a Trustee of the Trust should be directed to the Chair of the Board of Trustees at:

chair@the3rivers.net

20. A Complainant should not directly approach a Trustee or Academy Councillor with a complaint to be addressed. The Trustees or Academy Councillors will often adjudicate or review complaints for the Trust. Accordingly, they cannot act unilaterally and must all times remain impartial.
21. Kindly refer to paragraph 22, below, for guidance on directing a concern.

Stage One: Informal Complaints

22. Most concerns that a parent may raise are capable of being resolved on an informal basis.
23. For example, a concern may stem from dissatisfaction about an aspect of:
 - 23.1. teaching;
 - 23.2. disciplinary matters; or
 - 23.3. issues outside of the classroom.
24. When using this stage of the procedure, parents are encouraged to direct their concern(s) to the relevant member of staff involved or to the relevant leader – for example the Key Stage, Subject or Year Leader or the Assistant/Deputy Headteacher, as appropriate.
25. The Trust will ensure that informal concerns are resolved within **ten (10)** working days of being raised.
26. No formal record of concerns is kept by the Trust or a School. The only record of the concern and its resolution will be file notes recorded by the person dealing with the concern and/or any correspondence on file between the Complainant and relevant member of staff at a School.
27. If a concern is not resolved to the satisfaction of the Complainant within ten (10) working days from the receipt of the concern. The Complainant may refer this to the Headteacher of a School and proceed with a complaint under Stage 2 of the procedure.

Stage Two: Formal Complaints

28. A formal complaint can be utilised to resolve:
 - 28.1. an unresolved concern raised under Stage 1 of the procedure;
 - 28.2. a complaint which needs investigation; or
 - 28.3. a serious dissatisfaction with the Trust's (or a School's):
 - 28.3.1. administration;
 - 28.3.2. governance;
 - 28.3.3. management;
 - 28.3.4. policies;
 - 28.3.5. procedures; and/or
 - 28.3.6. staff.
29. A formal complaint should:
 - 29.1. be set out in writing;
 - 29.2. contain a full description of the complaint;
 - 29.3. be accompanied by or reference all relevant documents;
 - 29.4. be accompanied by an Appendix B: Complaint Form (**Complaint Form**); and
 - 29.5. contain full contact details for the Complainant.
30. A formal complaint must be addressed and directed to the appropriate person as set out in paragraphs 15, 16, and 17 above.

31. Generally, formal complaints will be acknowledged in writing within **three (3)** working days of receipt. The acknowledgement will indicate to the Complainant:
 - 31.1. the course of action to be taken;
 - 31.2. a named point of contact at a School or the Trust who will liaise with the Complainant; and
 - 31.3. an indication of when the Complainant will hear from a School or the Trust.
32. In certain instances it may be appropriate for the facts or the other details of the complaint to be investigated by the Trust or a School. Generally the CEO of the Trust or a Headteacher at a School is empowered to conduct such an investigation. The CEO or a Headteacher may delegate the investigation powers to a senior member of staff who will act as the Investigating Officer.
33. An Investigating Officer may request additional information from the Complainant and will fully investigate the issue(s). However, in most cases, the Headteacher or Investigating Officer will meet with the Complainant to discuss the matter.
34. An Investigating Officer, when necessary, may prepare a written report of the investigation findings.
35. Generally, a Complainant will be informed of the outcome of an investigation and provided with a resolution, in writing, to the formal complaint within **twenty (20)** working days from the receipt of the complaint.
36. A complaint received during a school holiday or within twenty (20) working days of the end of a term or half term may take longer to resolve.
37. Written records will be kept of any meetings and interviews held in relation to the complaint.
38. If a formal complaint is not resolved to the satisfaction of the Complainant within twenty (20) working days from the receipt of the formal complaint, the Complainant may request, in writing, that the complaint be heard by an independent panel under Stage 3 of the Procedure.

Stage Three: panel hearing of a complaint

Purpose and overview of a panel hearing

39. A Panel Hearing, provides the Complainant with an opportunity to have their complaint heard by an independent panel.
40. The Trust is committed to resolving complaints and restoring relationships with parents and Students.
41. Panel Hearings are held in private.
42. Panel Hearings will be conducted in a manner that ensures that the proceedings are as informal as possible.

Making a request

43. A request for a complaint to be heard by a panel must be:
 - 43.1. set out in writing;
 - 43.2. made within **ten (10)** working days from receipt of the outcome made in terms of the formal complaint under Stage 2 of the Procedure;
 - 43.3. accompanied by Appendix B: Complaint Form (**Complaint Form**); and
 - 43.4. accompanied by all relevant documents or copies of all documents referred to.

Clerk to the Hearing Panel

44. Following the request for a panel hearing (**the Request**), the Trust will nominate an individual to act as the Clerk to the Hearing Panel.

Acknowledgment of the Request

45. Within **three (3)** working days of the Request, the Clerk to the Hearing Panel will write to the Complainant:
 - 45.1. acknowledging receipt of the Request;
 - 45.2. setting out the steps under the procedure;
 - 45.3. providing their contact details and an invitation to contact the Clerk, should the Complainant require any additional assistance or information, from the Trust, concerning their complaint; and
 - 45.4. providing the Complainant with any other necessary information.

Timescale

46. Generally, within **twenty (20)** working days of the Request the Clerk will convene a Panel Hearing or as soon as practically possible.

The Hearing Panel

47. The Hearing Panel will consist of:
 - 47.1. two (2) Trustees that serve on the Board of Trustees of the Trust; and
 - 47.2. one (1) person who is independent of the management and running of the Trust/a School (as defined in the procedure).
48. The persons that serve on the Hearing Panel will be people who were not directly involved in the matters detailed in the complaint.
49. The Hearing Panel will choose one of their own as the Chair of the Hearing Panel.

Powers of the Hearing Panel

50. After receiving and considering representations – from the Complainant, the Trust/a School, and/or any other relevant person (as provided for below) – the Hearing Panel can:

- 50.1. uphold the complaint in whole or in part;
- 50.2. dismiss the complaint in whole or in part;
- 50.3. decide upon any appropriate action to be taken to resolve the complaint; and/or
- 50.4. recommend any changes to the Trust to improve its policies, procedures and/or systems to ensure that issues raised by the complaint do not occur in the future.

Evidence to be considered

51. The Complainant and the Trust/a School are allowed to provide evidence they seek to rely on to the Hearing Panel such as:
 - 51.1. copies of relevant documents;
 - 51.2. a written document setting out a chronology and key dates; and
 - 51.3. written statements.
52. At least **five (5)** working days before the hearing, the Clerk to the Hearing Panel must provide a bundle of these documents and the completed Complaint Form to:
 - 52.1. the complainant;
 - 52.2. the persons appearing for the Trust/a School; and
 - 52.3. the Hearing Panel
53. The bundle of documents and the completed Complaint Form will be considered by the Hearing Panel, at the Hearing, in addition to any other representations allowed by the procedure.
54. At the hearing, the Complainant and the Trust/a School are allowed to submit written or oral representations to the Hearing Panel.

Attendance at the Hearing

55. The following persons are allowed to attend the Hearing:
 - 55.1. the Complainant and/or one representative of their choosing;
 - 55.2. a person appearing for the Trust/a School (CEO, chair of the Board of Trustees, Headteacher) and/or one (1) and more representative of their choosing; and
 - 55.3. any other person who, in the opinion of the Hearing Panel, a reasonable and justified interest in the Hearing under this stage of the procedure will be named by the Hearing Panel and recorded as such (**an Interested Party**).
56. If the Complainant or a person appearing for the Trust/a School elects a representative to attend on their behalf, the representative may be accompanied by one (1) other person, at the Hearing, should they wish.
57. Persons allowed to attend the Hearing, may submit written representation or verbally address the Hearing Panel.
58. In certain circumstances it may be necessary for a person to attend the Hearing to present evidence for a stakeholder (**a Witness**).

59. A Witness is only required to attend the Hearing for the duration in which they will present their evidence.

Order of proceedings at the Hearing

60. The Clerk will signal that everyone is present and introduce the Chair of the Hearing Panel.
61. The Chair of the Hearing Panel will welcome all attendees and provide an overview of the order of proceedings to take place.
62. The Complainant will be given an opportunity to make representations to the Hearing Panel. In response, the persons appearing for the Trust/a School may ask questions directed through the Chair of the Hearing Panel.
63. The Complainant may also present evidence or may lead a Witness who will present evidence to the Hearing Panel. In response, the persons appearing for the Trust/a School may put questions to the Witness through the Chair of the Hearing Panel.
64. The persons appearing for the Trust/a School will be given an opportunity to make representations to the Hearing Panel. In response, the Complainant may ask questions directed through the Chair of the Hearing Panel.
65. The persons appearing for the Trust/a School may also present evidence or may lead a Witness who will present evidence to the Hearing Panel. In response, the Complainant may put questions to the Witness through the Chair of the Hearing Panel.
66. If it is necessary for an Interested Party to address the Hearing Panel, the Complainant and/or the persons appearing for the Trust/a School may ask questions directed through the Chair of the Hearing Panel.
67. All attendees at the hearing must conduct themselves in a respectful manner whilst on Trust premises. The Hearing Panel will not tolerate unacceptable behaviour. Unacceptable behaviour includes behaviour which is abusive, offensive or threatening and may include:
 - 67.1. using abusive or foul language;
 - 67.2. making threats towards persons or property; and/or
 - 67.3. gesticulating or making displays with hands and/or other body parts.
68. The Hearing Panel may ask questions of any person in attendance with the aim of resolving the complaint or to aid the Hearing Panel with their functions under the Procedure.
69. After the Hearing Panel have received representations, the Chair of the Hearing Panel will ask the Clerk to escort those in attendance out of the venue.
70. The Hearing Panel will then make their decision in accordance with their powers under the procedure.

71. The Clerk will make a confidential written record of the entire proceedings of the Hearing for the benefit of the Hearing Panel in arriving at their decision.
72. Should any attendee at the Hearing fail to conduct themselves in a respectful manner whilst on Trust premises, the Hearing Panel reserves its right to take the appropriate action, which may include reporting misconduct or incidents of involving unacceptable behaviour the relevant authorities.

The decision of the Hearing Panel and notification of the decision

73. Within **ten (10)** working days of the Hearing, the Hearing Panel will reach a decision and communicate this, in writing, to the Clerk to the Hearing Panel (**the Decision**).
74. In accordance with the procedure, the Decision will:
 - 74.1. set out the reasons for the decision; and
 - 74.2. any recommendations made by the Hearing Panel.
75. The Decision of the Hearing Panel is final.
76. Within **twenty (20)** working days of the Hearing, the Clerk to the Hearing Panel will deliver a copy of the Decision, to the following stakeholders:
 - 76.1. the complainant;
 - 76.2. the CEO;
 - 76.3. the Board of Trustees;
 - 76.4. a named Interested Party as defined in the procedure;
 - 76.5. any relevant Headteacher;
 - 76.6. any relevant Academy Council through its Chair; and/or
 - 76.7. any relevant person who formed the basis of the complaint

Withdrawing a complaint

77. Once a complaint has been made, a Complainant is free to withdraw their complaint, at any stage, at any time.
78. If the complaint is being dealt with under stage 2 or stage 3 the Complainant should put the withdrawal of the complaint in writing.
79. Generally, a withdrawal of complaint will result in the end of an investigation. However, due to certain duties and responsibilities under education law the Trust or a School may have to make the necessary reports and referrals to the relevant authorities.

Record Keeping and Privacy

80. The Trust will keep a central record of:
 - 80.1. all complaints made under The stage 3 of the procedure;
 - 80.2. any withdrawals of complaint; and/or

80.3. the Decisions of a Hearing Panel

81. Records will be kept in accordance with the Trust's data protection and retention policies available at:

https://docs.google.com/document/d/1UAijc18rf_ZQDzD3Xej237mc5HNzUdD_bHApwFGihfk/edit?usp=sharing

82. With regards to the Procedure, correspondence, statements and records relating to individual complaints will be kept confidential subject to the Trust's duties under Education Law.

Persistent, serial and vexatious complainants

83. While the Trust aims to resolve all concerns and complaints that are raised we wish to remind our community that:

83.1. the primary function of the Trust is to educate Students in our community; and

83.2. decisions of the Hearing Panel under the Procedure are final.

84. Persistent and serial complaints, are unreasonable concerns or complaints raised with the Trust, which because of the frequency or nature hinder the Trust from:

84.1. consideration of their own, or others people's complaints; or

84.2. impact on the primary function of the Trust.

85. Vexatious complaints are those complaints made without sufficient grounds, but made especially so as to cause annoyance or disruption.

86. The Trust distinguishes between people who may raise a number of concerns or complaints in good faith and persons who raise such concerns and complaints in bad faith with the intention of being difficult.

87. The Trust also recognises that in certain instances a person may act out of character during times of anxiety or distress and reasonable allowances should be made for this.

88. Where a person seeks to use the Procedure to take up an unwarranted amount of the Trust's resources or impede an investigation under the Procedure, the Trustees will assess such complaints, on a case-by-case basis at Board Level and will respond appropriately through the Chair or through a legal professional.

Complaining to the Education and Skills Funding Agency (ESFA)

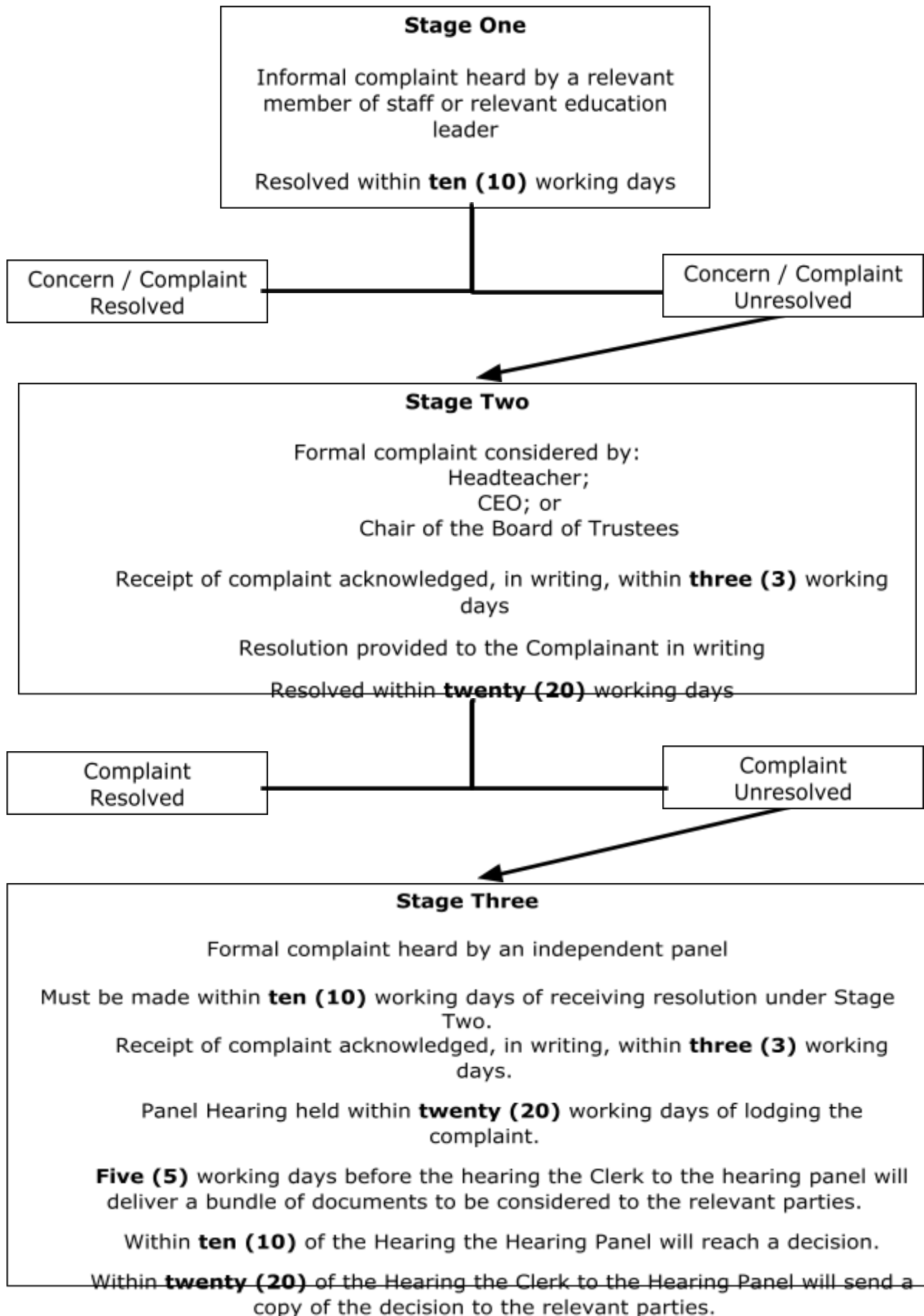
89. If you have followed the Trust's Complaints Procedure and feel that the Trust has failed to adequately address your concern or complaint, you may wish to make a complaint to the ESFA under its guidance available at:

<https://www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure>

90. the ESFA will address the following complaints about academies that fall into the following areas:
 - 90.1. undue delay or non-compliance with an academy's own complaints procedure;
 - 90.2. an academy's failure to comply with a duty imposed on it under its funding agreement with the Secretary of State;
 - 90.3. an academy's failure to comply with any other legal obligation, unless there is another organisation better placed to consider the matter as set out in Appendix C.
91. Generally, the ESFA will not consider complaints more than 12 months after a decision or action is taken.
92. Complaints about academies should be sent:
 - 92.1. via the Department for Education's [schools complaints form](https://www.education.gov.uk/schools/leadership/schoolperformance/school-complaints-form)
<https://www.education.gov.uk/schools/leadership/schoolperformance/school-complaints-form>
 - 92.2. by post to Ministerial and Public Communications Division

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

Appendix A Complaints procedure flow chart



Appendix B Complaint Form

THE THREE RIVERS LEARNING TRUST - FORMAL COMPLAINT FORM

Please complete and return to complaints@the3rivers.net or to the Clerk to the Hearing Panel.

- 1. **Your name**
- 2. **Students name**
- 3. **Your relationship to the Student (if relevant)**
- 4. **Address**
.....
- 5. **Telephone number (day)**
- 6. **Telephone number (evening)**
- 7. **Email address**
- 8. **Please provide a brief description of your complaint**
.....
.....
.....
.....
.....
.....
.....
.....
- 9. **Please provide us with the following information:**
 - 9.1. **What action(s), if any, have you already taken to try to resolve your concern or complaint?**
 - 9.2. **Who did you speak to and what was their response?**.....
.....
.....
.....
- 10. **What actions do you feel might resolve the problem at this stage?**

.....
.....
.....
.....

11. Do you wish to provide the Trust with documents to help us understand your complaint better? If so, please provide a description of the documents you rely on.

.....
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.....
.....
.....

Signature (Complainant)

Date

The information you provide on these forms is your personal data. We will use this information for processing your complaint in accordance with the Trust Policy and other relevant laws. For details about how we process and protect personal data, please see our Privacy Policy, available from the Trust’s Data Protection Officer and <https://www.the3rivers.net/about-us/privacy-notice>.

Appendix C Other organisations that deal with specific complaints

With regard to the purpose of the Procedure and in executing the duties of the Trust or a School in terms of the law there are certain matters or issues that fall outside the power and or scope that the Trust or a School has.

Generally, the Department for Education (DfE) or the Education and Skills Funding Agency (ESFA) will investigate an Academy or a Multi-Academy Trust where it fails to comply with its procedures were duties under law or funding agreements with the State.

Set out in the table below are specific organisations that have the necessary mandate and/or powers to deal with specialised areas that may give rise to a concern or complaint, generally the DfE or ESFA will not investigate these matters:

Name of Organisation	Concern or Complaint concerns
<p style="text-align: center;">Ofsted http://www.ofsted.gov.uk/contact-us</p>	<p style="text-align: center;">The quality of education or leadership, or concerns affecting the school as a whole.</p>
<p style="text-align: center;">Equality Advisory Support Service http://www.equalityadvisoryservice.com/</p>	<p style="text-align: center;">Discrimination</p>
<p style="text-align: center;">Information Commissioner's Office http://www.ico.org.uk/complaints/handling</p>	<p style="text-align: center;">Data Protection / GDPR</p>
<p style="text-align: center;">Office of Qualifications and Examinations Regulation (Ofqual) http://ofqual.gov.uk/complaints-and-appeals/complaints/</p>	<p style="text-align: center;">Exam malpractice or maladministration</p>
<p style="text-align: center;">The Police https://www.police.uk/northumbria/</p>	<p style="text-align: center;">Criminal behaviour</p>
<p style="text-align: center;">Relevant court https://www.justice.gov.uk/courts</p>	<p style="text-align: center;">Any matter which is, or has been, subject to legal action.</p>
<p style="text-align: center;">Employment Tribunal https://www.gov.uk/employment-tribunals/taking-a-case-to-an-employment-tribunal</p>	<p style="text-align: center;">Employment matters. These should be raised through the academy's grievance procedure, or taken to an Employment Tribunal</p>
<p style="text-align: center;">Either:</p> <ul style="list-style-type: none"> i. The relevant local authority designated officer (LADO); and/or ii. The Director of Children's Services 	<p style="text-align: center;">Child protection</p>
<p style="text-align: center;">The First Tier Tribunal (Special Educational Needs and Disability) https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability</p>	<p style="text-align: center;">Special educational needs and disability</p>

