



Tenacitas  
Trust

## Complaints Policy

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

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

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

For the purposes of this policy, 'school days' exclude weekends and school holidays.

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

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

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

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

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

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

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

The Trust will keep written records of all complaints, investigations and outcomes.

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

## 3.0 Informal Procedure

### 3.1 Stage 1

If the complainant is a parent, they should address their concern or complaint by contacting the appropriate member of staff at the constituent academy:

#### 3.1.1 Primary Academy

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

#### 3.1.2 Secondary Academy

- Head of House or Head of Department.
- SLT link for the House or Department.

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

### 3.2 Stage 2

If the complainant remains dissatisfied, they should address their concern or complaint by contacting the nominated Complaints Coordinator at the constituent academy. Details of which can be found on the constituent academy's website.

#### 3.2.1 Role of the Complaints Coordinator

The Complaints Coordinator will request that complainants complete Appendix 1 to aid them in managing and processing the concern or complaint.

The Trust requires complaints to be clear, concise and focused on the specific issue being raised. Complaints that contain excessive, irrelevant or speculative material may delay investigation. The Trust discourages the submission of complaints that rely on automated or template-generated content, as these frequently introduce inaccuracies or unnecessary complexity. Where a submission is unclear, disproportionate or contains errors, the Trust may reasonably require the complainant to clarify and summarise their concerns before the complaint progresses

The Trust may place reasonable limits on supporting documentation to ensure a proportionate and manageable investigation. Complaints (including supporting evidence) are limited to 10 pages. Submissions exceeding this limit will normally be returned to the complainant with a request to summarise and resubmit. The Trust will only consider material beyond this limit in

genuinely exceptional circumstances and at its sole discretion. All supporting documentation should be relevant to the complaint, paginated and indexed. This applies to all stages of the complaint's procedure.

Where submissions are unclear a clarified submission may be reasonably requested with a short chronology and issues summary to support a fair consideration. Where multiple unrelated issues are raised, the Trust may ask for these to be treated as separate complaints.

The Trust will make reasonable adjustments for parents or carers who require support with written communication, ensuring that the process remains accessible to all under the Equality Act 2010

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

- Establish what has happened to date and who has been involved\*.
- Clarify the nature of the concern or complaint and what remains unresolved.
- If required, meet with the complainant.
- Interview all parties relevant to the complaint.
- Inform the complainant of the outcome (refer to 3.2.6).

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

### 3.2.2 Outcome

The Informal Procedure should be completed within 15 school days.

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

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

Where a complaint relates to a member of staff, data protection principles and duties of confidentiality limit the information that can be shared. The Trust will confirm that the matter has been addressed appropriately but cannot disclose confidential employment details.

The complaint will be considered concluded once Stage 2 is completed, unless referred onward in line with the policy.

## 4.0 Formal Procedure

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

- Referral to the Headteacher of the constituent academy.  
In the case of a complaint concerning the Headteacher, the referral should be made to the Chair of the Local Governing Body  
In the case of a complaint against the CEO, the referral should be made to the Chair of the Trust.  
In the case of a complaint against the Chair of the Local Governing Body, the referral should be made to the Chair of the Trust.  
In the case of the complaint against the Chair of the Trust, it will be referred to a nominated trustee or trustees (excluding the Chair) to be investigated.
- Referral to a Complaints Appeal Panel.
- Referral to the Secretary of State.

### 4.1 Stage 1

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

\*If the Chair is unable to investigate the complaint, an appropriate Investigating Officer will be appointed.

### 4.2 Stage 2

- The Clerk will convene a Complaints Appeal Panel to hear the complainant's case. The Complaints Appeal Panel will consist of between 3–5 people who are not directly involved in the complaint. These people will be derived from the Local Governing Body (LGB) of the constituent academy (since a LGB is a committee of the Board) and/or Trustees. One member of the Complaints Appeal Panel will be independent of the management and running of the Academy.
- A written acknowledgement of the complaint will be sent within 5 school days.
- The Complaints Appeal Panel, within 20 school days of receiving the complaint, should hear the complainant's case.

- The Chair of the Complaints Appeal Panel will invite the Headteacher, Chair of Governors, CEO or Chair of the Trust, to prepare a written report in response to the complaint.
- All relevant correspondence, including additional material from the complainant and the written report from the Headteacher, Chair of Governors, CEO or Chair of the Trust, should be given to each member of the Complaints Appeal Panel at least 5 school days prior to the appeal.
- The Chair of the Complaints Appeal Panel will inform the complainant, Headteacher, Chair of Governors, CEO or Chair of the Trust and members of the Complaints Panel, at least 5 school days in advance, of the date, time and venue of the hearing.
- Either party, subject to the approval of the Chair, may call witnesses to the appeal.
- The Complaints Appeal Panel may decide to uphold the complaint in full, uphold it in part, or dismiss it.
- The complainant will be notified of the decision, in writing, within 10 school days, and informed of the opportunity to take the matter up with the Secretary of State.
- The complaint will be considered concluded once Stage 2 is completed, unless referred onward in line with the policy.

The complainant may be accompanied by a friend or advocate. A clerk will record the proceedings. The panel will consider written and oral evidence from both parties and will reach its decision on the balance of probabilities. The panel's decision is final within the Trust's procedure

### 4.3 Stage 3

If the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State by contacting the DfE. The DfE cannot overturn the decision about a complaint. The DfE will not reinvestigate the substance of the complaint but will consider whether the Trust has followed a lawful and reasonable complaints procedure.

Its role is to make sure the complaint is handled properly by following a published procedure that complies with part 7 of the [Education \(Independent School Standards\) Regulations 2014](#).

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

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

Telephone: 0370 000 2288 (National Helpline)

## 5.0 Exclusions to the Policy

### 5.1 Safeguarding Referrals

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

If you have serious concerns, you may wish to contact the Local Authority Designated Officer (LADO) who has local responsibility for safeguarding. Refer to the Trust's Child Protection and Safeguarding Policy. Safeguarding concerns may also be reported directly to Ofsted.

### 5.2 Statutory Assessments of SEND

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

#### 5.2.1 Admissions Appeals

These are not complaints as such and are dealt with under a separate procedure - [Admission Appeals](#). If you have not been successful in securing a place for your child you will receive a letter from the Local Authority refusing you a place and offering you the right of appeal.

#### 5.2.2 Exclusions

These are dealt with under a separate policy.

Further information about raising concerns about exclusion can be found at:

[www.gov.uk/school-discipline-exclusions/exclusions](http://www.gov.uk/school-discipline-exclusions/exclusions)

#### 5.2.3 Whistleblowing

This is dealt with by a separate policy - Whistleblowing Policy

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

Department for Education  
Piccadilly  
Gate Store St  
Manchester, M1 2WD

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

## 6.0 Staff Grievances and Misconduct

These are dealt with under two separate policies – Grievance Policy and Disciplinary (Misconduct) Policy

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

## 7.0 Serial and Persistent Complaints

There may be occasions when, despite all stages of this policy being followed, an individual remains dissatisfied with the Trust's response.

Once a complaint has been fully considered and the procedure has been completed, the Chair of the Trust will inform the individual that the process is now closed.

If the individual subsequently attempts to reopen the same issue, the Trust is not obliged to enter into further discussion.

Where repeated contact is made about a matter that has already been addressed, and no new evidence is provided, the Trust may decide not to respond to further correspondence.

If repeated or sustained contact escalates to a level that causes significant disruption, places undue strain on staff, or is considered to constitute harassment, the Trust will seek legal advice.

## 8.0 Unreasonable Use of the Complaints Process

The Trust considers behaviour to be unreasonable when the frequency, nature, or tone of an individual's contact hinders our ability to consider their complaint or the complaints of others.

This may include behaviours that are excessive, aggressive, or disproportionate to the issue raised.

In such cases, the Trust may take proportionate and appropriate steps to manage the communication, which may include setting boundaries for further contact or limiting how the Trust will engage going forward.

Behaviour may be considered unreasonable when it involves actions or expectations that make it difficult for the Trust to investigate or resolve a complaint effectively. Examples include, but are not limited to, situations where an individual:

- Declines to clearly set out the complaint, the grounds for it, or the outcomes sought, even when offered support to do so.
- Fails to cooperate with the investigation process while continuing to expect a resolution.
- Refuses to accept that certain matters fall outside the scope of the complaints policy.
- Demands that the complaint is handled in ways that are inconsistent with the Trust's procedure or established good practice.
- Provides large amounts of irrelevant or trivial information, or raises numerous minor questions, and then insists on immediate or exhaustive responses on their own timescales.
- Makes unfounded allegations about staff involved in handling the complaint, or requests that staff are replaced without justification.
- Alters the basis of the complaint repeatedly during the investigation.

- Continues to raise the same issue repeatedly after it has been fully addressed or found to be without grounds.
- Refuses to accept the outcome of an investigation, even when the Trust's policy has been properly followed, including any escalation to the Secretary of State.
- Requests outcomes that are disproportionate or unrealistic.
- Places excessive or unreasonable demands on staff time through very frequent, lengthy, complex, or emotionally challenging contact by any communication method.
- Uses threats, intimidation, or aggressive behaviour.
- Uses abusive, offensive, or discriminatory language, or engages in violent conduct.
- Knowingly provides false, misleading, or fabricated information.
- Posts unacceptable, inaccurate, or inflammatory material about the complaint, the Trust, or its staff on social media or other public platforms.

## 9.0 Barring from the Academy Premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. The constituent academy will therefore act to ensure it remains a safe place for pupils, staff and other members of their community. Refer to [Controlling Access to School Premises](#)

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

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

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

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

## 10.0 Appendices

### 10.1 Appendix 1 – Complaint Form

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

Complaint Form	
Pupil's name	
Complainant's name	
Your relationship to the pupil	
Address	
Telephone number	
E-mail address	
A brief summary of your complaint with a chronology of key events and dates, including any actions you have taken to date. <i>Please note, if any third party information is included it must be relevant and necessary to the complaint</i>	
Actions you feel may resolve the complaint	
Signature	
Date	