



# Complaints Policy

Kings Road Primary School  
Lawford Mead Primary & Nursery School

*Certified as reviewed and approved by the Trustees of the HERA Primary Academy Trust: 5 June 2018*

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*The HERA Primary Academy Trust a company registered in England and Wales. Company Number: 10571943.*

# **Complaints Policy**

## **Relationship to other policies:**

- Disciplinary Procedure
- Child Protection
- Whistleblowing
- Anti-bullying
- Behaviour Management
- Handling Allegations Against a Member of Staff Policy
- Equality Scheme
- Educational Visits
- Health, Safety & Wellbeing
- SMSC
- Parental Code of Conduct

## **Introduction**

This policy statement sets out the Trust's approach to dealing with parental concerns and complaints. It details the relevant procedures to follow should you have any concerns.

## **Compliments**

These are always welcome and very encouraging to teachers and staff. The Trust encourages feedback or opinions from pupils and parents. In practice, this dialogue is continuous, sometimes directly and also indirectly, for example, through the Parents' Forum or questionnaires. It may not always be possible to act immediately but pupils and the staff always benefit so please don't hold back.

## **Concerns**

It is natural that parents may occasionally be concerned about an aspect of their child's education or welfare at school. This could include issues concerning the member school's approach to aspects of the curriculum, homework, behavioural problems or any other issue.

The Trust welcomes enquiries from parents about any matter. Teachers and staff will explain the school practices, policies, and how they affect the pupils. The vast majority of concerns will be handled by the class teacher or by the subject co-ordinator if this is more helpful. If in doubt, keep asking until you are completely satisfied as all staff are eager to help.

The usual format is to speak to the child's class teacher in the first instance, or to contact the school office to arrange an appointment to discuss your concern with

whoever you wish. At all times the staff will help to resolve a problem. If occasionally parents feel they must state their concern formally, this too is not a problem. The Trust has defined procedures for handling complaints so do not be embarrassed if you feel an issue warrants more attention.

## **Complaints**

The procedure is again to speak to the child's class teacher in the first instance, or contact the school office to arrange an appointment to discuss your complaint with whoever you wish.

The Trust's policy is to follow the Department for Education and the Local Authority (Essex County Council) guidelines when handling concerns and complaints. Just ask if you would like advice or a copy. It would be unusual to deviate from these procedures but the Trust always retains discretion in these matters.

In summary, the nationally accepted procedure is divided into three stages:

### **Stage 1**

Aims to resolve the concern through informal contact at the appropriate level in school (as described on page 5 of this guidance).

### **Stage 2**

Is the first formal stage where written complaints are considered by the Head Teacher (or a designated trustee where the complaint is about the Headteacher), who has responsibility for dealing with complaints (as described on page 6 & 7 of this guidance).

### **Stage 3**

Is the next step once Stage 2 is complete. It involves a review of the complaint by the Chair of the H R & Pay Committee who may convene a complaints review panel of governors and/or trustees. One member of complaints review panel will be independent of the management and running of the Trust as per the [Education \(Independent School Standards\) Regulations 2014](#). This means that the independent panel member will not be a trustee, a governor or an employee of either the Trust or each individual school. The Trust Board may intervene at this stage (as described on page 7 - 9 of this guidance).

If you are unhappy with the outcome of your complaint, or the way that it has been handled at school level, you can contact the Education & Skills Funding Agency (ESFA). The ESFA will deal with complaints about academies in accordance with the outlined procedures on page 9 & 10.

## **HERA Primary Academy Trust - Complaints Procedures**

### **Our procedures for dealing with general concerns:**

The majority of concerns from parents, carers and others are handled under the following general procedures.

The procedure is divided into three stages:

#### **Stage 1**

Aims to resolve the concern through informal contact at the appropriate level in school (as described on pages 2 and 3 of this guidance).

#### **Stage 2**

Is the first formal stage at which written complaints are considered by the Head Teacher or the designated governor/trustee, who has special responsibility for dealing with complaints.

#### **Stage 3**

Is the next stage once Stage 2 has been worked through. It involves a complaints review panel of governors and/or trustees.

How each of these stages operates is explained below:

#### **Stage 1 – Your initial contact with the school**

1. Many concerns will be dealt with informally when you make them known to us. The first point of contact should be your child's teacher.
2. We will see you, or contact you by telephone or in writing, as soon as possible after your concern is made known to us. All members of staff know how to refer, if necessary, to the appropriate person with responsibility for particular issues raised by you. He or she will make a note of the details and will check later to make sure that the matter has been followed up.
3. We will ensure that you are clear what action or monitoring of the situation, if any, has been agreed.
4. We will ensure that we speak directly to all appropriate persons who may be able to assist us with our enquiries into your concern.
5. We will discuss with you (normally within ten working days) the progress of our enquiries. You will have the opportunity of asking for the matter to be considered further, once we have responded to your concern.

6. If you are still dissatisfied following this informal approach, your concern will become a formal complaint and we will deal with it at the next stage.

## **Stage 2 - Formal consideration of your complaint**

This stage in our procedures deals with written complaints. It applies where you are not happy with the informal approach to dealing with your concern, as outlined under Stage 1 above.

1. Normally, your written complaint (using the form at the back of this policy) should be addressed to the Headteacher. If, however, your complaint concerns the Headteacher personally, it should be sent to the school marked "For the attention of the Chair of the HR & Pay Committee".
2. We will acknowledge your complaint in writing as soon as possible after receiving it. This will be within three school working days.
3. We will enclose a copy of these procedures with the acknowledgement.
4. Normally we would expect to respond in full within ten school working days but if this is not possible we will write to explain the reason for the delay and let you know when we hope to be able to provide a full response.
5. As part of our consideration of your complaint, we may invite you to a meeting to discuss the complaint and fill in any details required. If you wish, you can ask someone to accompany you to help you explain the reasons for your complaint.
6. The Headteacher, or designated governor/trustee may also be accompanied by a suitable person if they wish.
7. Following the meeting, the Headteacher or designated governor/trustee will, where necessary, talk to witnesses and take statements from others involved. If the complaint centres on a pupil, we will talk to the pupil concerned and, where appropriate, others present at the time of the incident in question.
8. We will normally talk to pupils with a parent or carer present, unless this would delay the investigation of a serious or urgent complaint, or where a pupil has specifically said that he or she would prefer the parent or carer not to be involved. In such circumstances, we will ensure that another member of staff, with whom the pupil feels comfortable, is present.
9. If the complaint is against a member of staff, it will be dealt with under the school's internal confidential procedures, as required by law.

10. The Headteacher or designated governor/trustee will keep written/typed, signed and dated records of all meetings and telephone conversations, and other related documentation.
11. Once we have established all the relevant facts, we will send you a written response to your complaint. This will give a full explanation of the Headteacher's or designated governor/trustee's decision and the reasons for it. If follow-up action is needed, we will indicate what we are proposing to do. We may invite you to a meeting to discuss the outcome as part of our commitment to building and maintaining good relations with you.
12. If you are not satisfied with the outcome of the Stage 2 investigation and the schools findings, you may wish to proceed to Stage 3, as described below.

### **Stage 3 - Consideration by a complaints review panel**

If your concern has already been through Stages 1 and 2 and you are not happy with the outcome, the Chair of HR & Pay will review the complaint and undertake an investigation. They will then convene a complaints review panel to consider the complaint. This is a formal process, and may involve the Board of Trustees.

The purpose of this arrangement is to give your complaint a hearing in front of a panel of trustees who have no prior knowledge of the details of the complaint and who can, therefore, consider it without prejudice.

The aim of a complaints review panel is to resolve the complaint and to achieve reconciliation between the school and the parent. We recognise, however, that it may sometimes only be possible to establish facts and make recommendations, which will reassure you that we have taken your complaint seriously.

#### **The complaints review panel operates according to the following formal procedures:**

1. The clerk to the board will aim to arrange for the panel meeting to take place within 25 school working days.
2. The clerk will ask you whether you wish to provide any further written documentation in support of your complaint. You can include witness statements, or ask witnesses to give evidence in person, if you wish.
3. The Headteacher will be asked to prepare a written report for the panel. Other members of staff directly involved in matters raised in your complaint will also be asked to prepare reports or statements.
4. The clerk will inform you, the Headteacher, any relevant witnesses and members of the panel by letter, at least five working days in advance, of the date, time and

place of the meeting. We hope that you will feel comfortable with the meeting taking place in the school; but we will do what we can to make alternative arrangements if you prefer.

5. With the letter, the clerk will send you all relevant correspondence, reports and documentation about the complaint and ask whether you wish to submit further written evidence to the panel.
6. The letter will explain what will happen at the panel meeting and the clerk will also inform you that you are entitled to be accompanied to the meeting. The choice of person to accompany you is your own, but it is usually best to involve someone in whom you have confidence but who is not directly connected with the school. They are there to give you support but also to witness the proceedings and to speak on your behalf if you wish.
7. With the agreement of the chair of the panel, the Headteacher may invite members of staff directly involved in matters raised by you to attend the meeting.
8. The chair of the panel will bear in mind that the formal nature of the meeting can be intimidating for you and will do his or her best to put you at your ease.
9. As a general rule, no evidence or witnesses previously undisclosed should be introduced into the meeting by any of the participants. If either party wishes to do so, the meeting will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.
10. The chair of the panel will ensure that the meeting is properly minuted. Please understand that any decision to share the minutes with you, the complainant, is a matter for the panel's discretion and you do not have an automatic right to see or receive a copy. Since such minutes usually name individuals, they are understandably of a sensitive and, therefore, confidential nature.
11. Normally, the written outcome of the panel meeting, which will be sent to you, should give you all the information you require. If, however, you feel that you would like to have a copy of the minutes it would be helpful if you could indicate this in advance. If the panel is happy for the minutes to be copied to you, the clerk can then be asked to maintain confidentiality in the minutes.
12. During the meeting, you can expect there to be opportunities for:
  - you to explain your complaint;
  - you to hear the school's response from the Headteacher;
  - you to question the Headteacher about the complaint;

- you to be questioned by the Headteacher about the complaint;
- the panel members to be able to question you and the Headteacher;
- Any party to have the right to call witnesses (subject to the chair's approval) and all parties to have the right to question all witnesses; you and the Headteacher to make a final statement.

13. In closing the meeting, the chair will explain that the panel will now consider its decision and that written notice of the decision will be sent to the Headteacher and yourself within 10 school working days. All participants other than the panel and the clerk will then leave.

14. The panel will then consider the complaint and all the evidence presented in order to:

- Reach a unanimous, or at least a majority, decision on the complaint;
- Decide on the appropriate action to be taken to resolve the complaint;
- Recommend, where appropriate, to the Board of Trustees changes to the school's systems or procedures to ensure that similar problems do not happen again.

15. The clerk will send you and the Headteacher a written statement outlining the decision of the panel within ten school working days. The letter will explain what further recourse, beyond the Board of Trustees, is available to you.

16. We will keep a copy of all correspondence and notes on file in the school's records but separate from pupils' personal records.

### **Other sources of information and advice**

If your concern is about an aspect of special needs provision, which might include information about relevant voluntary organisations and support groups in Essex, you might like to talk to our Parent Partnership team on their helpline: 01245 436036.



## What happens if you're not happy with the outcome?

### The Role of the School Complaints Unit

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

If you are unhappy with the outcome of your complaint, or the way that it has been handled at school level, you can contact the Education & Skills Funding Agency (ESFA). The ESFA will deal with complaints about academies in accordance with the following principles:

- academies should be receptive to genuine expressions of dissatisfaction
- complaints are dealt with promptly, fairly and proportionately; they are also resolved at the most local level possible
- in dealing with complaints the ESFA will take account of its public sector equality duty (under the Equalities Act 2010)

If, at any stage of the process, the ESFA believes they are unable to meet the deadline outlined in this procedure, they will tell you before the deadline.

The ESFA will give you:

- the reasons they are unable to meet the deadline
- a new deadline date

Where possible, please put your complaint in writing. If you have difficulty in providing details in writing, we will discuss with you alternative ways of receiving the information.

Complaints about academies should be sent:

- via the Department for Education's schools complaints form [schools complaints form](#)
- by post to:

Ministerial and Public Communications Division  
Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

All staff are familiar with the guidelines and have a duty to help parents needing advice. Please don't feel you are making a fuss. These procedures have been carefully compiled and their reference, however rare, is routine to help pupils, parents and the school.

## **Appendix 1**

## Complaints not in scope of the procedure

The complaints procedure covers all complaints about any provision of facilities or services that the school provides with the **exceptions** listed below, for which there are separate (statutory) procedures.

### Exceptions

- Admissions to schools
- Statutory assessments of Special Educational Needs (SEN)
- School re-organisation proposals
- Matters likely to require a Child Protection Investigation

- Exclusion of children from school

- Whistleblowing

- Staff grievances and disciplinary procedures

- Complaints about services provided by other providers who may use school premises or facilities.

### Who to contact

Concerns should be raised direct with local authorities (LA). For school admissions, the admissions authority is the Local Authority Complaints about admission appeals for schools are dealt with by the Local Government Ombudsman.

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)

Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk) or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.

These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.

Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.

## Appendix 2

## **Our Policy for dealing with Unreasonable Complainants**

The HERA Primary Academy Trust is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with our schools. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

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

A complaint may be regarded as unreasonable when the person making the complaint:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways, which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the Headteacher or Chair of Trustees will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who make excessive contact, causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from member schools belonging to the Trust.

**Appendix 3**

# **Complaints Form**

Please complete and return to the school office.

Name:

Pupil's name (if relevant):

Your relationship to the pupil:

Address:

Daytime telephone number:

Evening telephone number:

Please give details of your complaint:

What action if any, have you already taken to try to resolve your complaint? Who have you spoken to and what was the response?

Continued/

What action do you feel might resolve the problem at this stage?

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

Signature:

Date:

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Official use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

Final action agreed/taken:

Signature:

Name:

Designation: