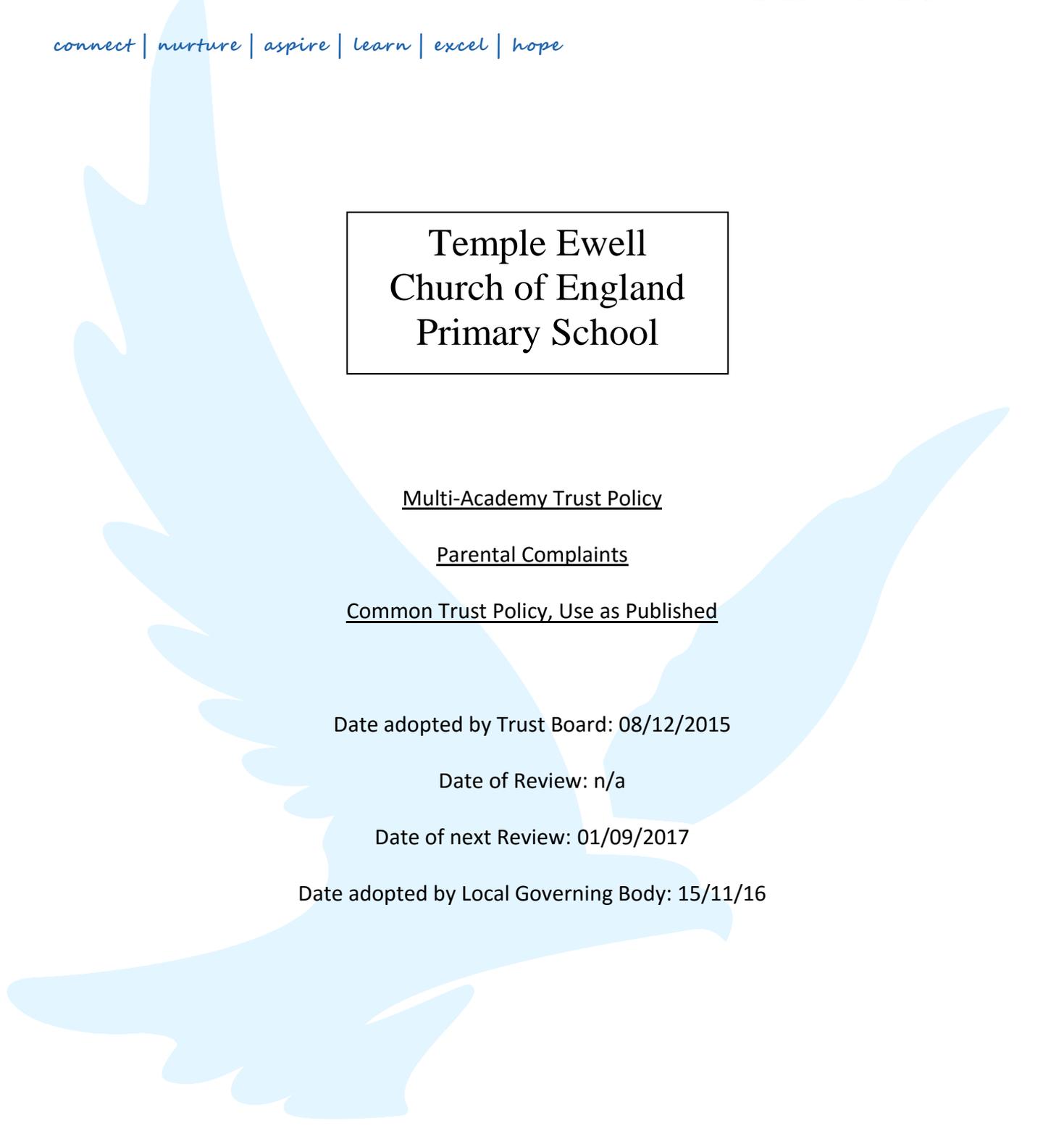


*'...those who hope in the LORD will renew their strength.  
They will soar on wings like eagles; they will run and not grow  
weary,  
they will walk and not be faint.' Isaiah 40:31*

connect | nurture | aspire | learn | excel | hope



Temple Ewell  
Church of England  
Primary School

Multi-Academy Trust Policy

Parental Complaints

Common Trust Policy, Use as Published

Date adopted by Trust Board: 08/12/2015

Date of Review: n/a

Date of next Review: 01/09/2017

Date adopted by Local Governing Body: 15/11/16

## **Introduction**

**Temple Ewell Church of England Primary School** is a member of Aquila the Diocese of Canterbury Academies Trust Limited (hereafter referred to as the Trust). The Education (Independent School Standards) Regulations 2014 require that all academies have a complaints policy and as a Trust we recognise the importance of parental and pupil feedback. Our approach to complaints or concerns is to try and deal with them at the earliest possible opportunity. Complaints are a valuable way to ensuring that we can improve our systems, and we value every opportunity that we have to improve.

We also recognise however that complaints are not just a way of appeasing individuals, and so each complaint will be approached on a case-by-case basis. The focus will always be on attempting to address any areas of strategy or policy that have not been followed correctly or have fallen short of their intended outcomes.

Our approach is to attempt to deal with any concerns at the earliest opportunity, and so this policy offers a tiered approach to complaint management.

### **The First Contact Stage 1: Resolving concerns informally**

- 1.1. Parents are always welcome to discuss any concerns with the appropriate member of staff, who will try to clarify with the parent the nature of the concern and reassure them that the academy wants to hear about it. Parents should be advised from the outset that there is a complaints procedure to follow if the matter cannot be resolved informally. The member of staff may explain to the parent how the situation happened. It can be helpful at this point to identify what sort of outcome the parent is looking for.
- 1.2. If the member of staff first contacted cannot immediately deal with the matter, s/he will make a clear note of the date, name and contact address or phone number.
- 1.3. All members of staff will know how to refer, if necessary, to the person with responsibility for the particular issue raised by the parent. S/he will check later to make sure the referral has been dealt with.
- 1.4. If the matter is brought to the attention of the Headteacher/Principal, s/he may decide to address the complaint. If the complaint is against the Headteacher/Principal, the parent will be advised to contact the Chair of the Local Governing Body.
- 1.5. The member of staff dealing with the concern will make sure the parent is clear on what action (if any) or monitoring of the situation has been agreed, putting it in writing if appropriate.

### **Stage 2: Investigation**

- 2.1. Complaints at this point need to be recorded in writing. A complainant may wish to write the complaint him or herself. Complainants may also make their complaint verbally and can request help to put their complaint in writing.
- 2.2. The Headteacher/Principal (or designated person) will acknowledge the complaint in writing

within three working days of receiving the written complaint. The acknowledgement will give a brief explanation of the Academy's complaints procedure and a target date for providing a response to the complaint. This should normally be within ten working days. If this proves impossible, a letter will be sent explaining the reason for the delay and giving a revised target date. This will be within a maximum of 20 working days unless it is a particularly complex issue.

- 2.2 The Headteacher/Principal will provide an opportunity for the complainant to meet them to supplement any information provided previously or to record the complaint in writing if it has been made verbally. It will be made clear to the complainant that if s/he wishes s/he might be accompanied to any meeting by a friend, relative, representative or advocate who can speak on his/her behalf or to provide support.
- 2.3 If necessary the Headteacher/Principal will interview other parties and take statements from those involved. If the complaint centres on a pupil, the pupil should also be asked questions unless this is judged not to be in the interests of the pupil's welfare. Pupils should typically be interviewed with parents/carers present, but if this would severely delay the investigation of a serious/urgent complaint or if the pupil has expressly said that s/he would prefer that parents/carers were not involved, another member of staff with whom the pupil feels comfortable should be present. If a member of staff is the subject of the complaint, then they must have the opportunity to offer their side of events.
- 2.4 The Headteacher/Principal will keep written records of meetings, telephone conversations, and other documentation.
- 2.5 Once all the relevant facts have been established as far as possible; the Headteacher/Principal will then produce a written response to the complainant, including a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the Academy will take to resolve the complaint. The complainant will be advised that should s/he wish to take the complaint further s/he should notify the Chair of the Local Governing Body within 20 working days of receiving the letter.
- 2.6 If the complaint is against the Headteacher/Principal, or if the Headteacher/Principal has been closely involved in the issue, the Chair of the Local Governing Body will carry out all the Stage 2 procedures.

### **Stage 3: Review by a Complaints Panel**

- 3.1 If the parent wishes to appeal further then they must formally write outlining the reasons why to The Chair of the Local Governing Body. In response, the chair will write to the complainant to acknowledge receipt of the written request for a panel to review the complaint within 7 working days. The acknowledgement will inform the complainant that a panel of three members will hear their complaint. Wherever possible, the panel will consist of at least one member of the Local Governing Body with no prior involvement in the issues complained, one member of the Trust Board and will always contain one external representative sourced by the Trust. The panel will hear the complaint within 20 working days of receiving the request letter from the complainant. The letter will also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received in time for the documents to be sent to the three members.
- 3.2 A meeting of this Complaints Panel will be convened and a chair appointed from its

membership. No member will have had prior involvement in the issues complained about. The Headteacher/Principal will not sit on the Panel.

- 3.3 The Chair of the panel will ensure the Panel hears the complaint within twenty working days of receiving the letter. All relevant correspondence relating to the complaint will be given to each Panel member as soon as the composition of the panel is confirmed. If the correspondence is extensive, the Chair may prepare a thorough summary for sending to Panel members.
- 3.4 The Chair or clerk will write and inform the complainant, Headteacher/Principal, any relevant witnesses and members of the Panel at least five working days in advance of the date, time and place of the meeting. The notification will also inform the complainant of his/her right to be accompanied to the meeting by a friend/advocate/interpreter and explain how the meeting will be conducted and the complainant's right to submit further written evidence to the Panel.
- 3.4.1 The Headteacher/Principal will be invited to attend the Panel meeting and will be asked to prepare a written report to the Panel in response to the complaint. All attendees including the complainant should receive a set of the relevant documents including the Headteacher/Principal's report and the agenda, at least five working days prior to the meeting.
- 3.5 Submission of additional documents or requests for additional attendees will be at the discretion of the Chair of the panel.
- 3.7 At the panel hearing:
- The panel will decide on the format of the proceedings and at what point they will hear from the complainant and the Headteacher/Principal
  - The complainant will have the opportunity to present their complaint.
  - The Headteacher/Principal will explain the Academy's position.
  - Panel members will have the chance to ask questions of the complainant and the Headteacher/Principal.
  - The Headteacher/Principal will be given the opportunity to make a final statement to the panel.
  - The complainant will be given the opportunity to make a final statement to the panel.
  - The chair will ask the complainant if he or she feels they have had a fair hearing.

The Chair of the Panel has a responsibility to ensure that the meeting is duly minuted.

- 3.8 The Chair of the Panel will explain to the complainant and Headteacher/Principal that the Panel will consider its decision and that a written decision will be sent to both parties within 15 working days. The complainant, Headteacher/Principal, other members of staff and witnesses will then leave.
- 3.9 The Panel will then consider the complaint and all the evidence presented and
- Agree a decision on the complaint;
  - Decide upon the appropriate action to be taken to resolve the complaint; and
  - Where appropriate, suggest recommended changes to the Academy's systems or procedures to ensure that problems of a similar nature do not recur.

- 3.10 A written statement clearly setting out the decision of the Panel must be sent to the complainant and Headteacher/Principal. The letter to the complainant should also advise how to take the complaint further.
- 3.11 The Academy should ensure that a copy of all correspondence and notes are kept on file in the Academy's records. These records should be held separately from the pupil's personal records.

#### **Stage 4: The Education Funding Agency**

- 4.1 If a complainant wishes to go beyond the governors' complaints panel, they should be advised to contact the Education Funding Agency. More information is available at <https://www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure/putting-in-place-a-complaints-procedure>

#### **The remit of The Complaints Appeal Panel**

The panel can:

1. dismiss the complaint in whole or in part;
2. uphold the complaint in full or in part;
3. decide on the appropriate action to be taken to resolve the complaint;
4. recommend changes to the Academy's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any person sitting on a complaints panel needs to remember:

- a) It is important that the appeal hearing is independent and impartial and that it is seen to be so. No member may sit on the panel if they have had prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, due consideration will be given ensure that it is a cross-section of representation and sensitive to the issues of race, gender and religious affiliation.
- b) The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the Academy and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome if the hearing does not find 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. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- d) Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of

adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

- e) The members sitting on the panel must be aware of the complaints procedure.

### **Vexatious Complaints.**

Our school is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. However, there will be occasions when, despite all stages of the procedures having been followed, a complainant may remain dissatisfied. Academies will not normally limit the contact complainants have with the school. 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 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'.

Examples: 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 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 the LGB will discuss any concerns with the complainant informally before applying an 'unreasonable' marking. If the complainant tries to reopen the same issue, the Chair of the LGB is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

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 excessively contact the school 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 school premises.

Although a complainant is able to raise their concern further with the Education Funding Agency should they choose to, the Agency reserve the right not to investigate complaints considered to be vexatious or malicious or where they are satisfied with the action that the Academy has already taken or proposes to take to resolve the complaint.

### **Barring from the Academy Premises**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Academies will, therefore, act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, a school can ask him/her to leave the premises. In serious cases, the Headteacher or the Trust can notify them in writing that their implied licence to be on the premises has been temporarily revoked subject to any representations that the parent may wish to make. The Academy should always give the parent the opportunity to formally express their views on the decision to bar in writing. The decision to bar should then be reviewed by the Trust Chief Operations Officer, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Trust Chief Operations Officer. However, complaints about barring cannot be escalated to the Department for Education or the Education Funding Agency. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

## **Monitoring and review**

The Trust monitors the complaints procedure, in order to ensure that all complaints are handled correctly. The Headteacher/Principal at the Academy records all complaints and or allegations received and how these were resolved. This information is reported in the Headteacher's report to the Local Governing Body and the Trust board.

The Trust will take into account any local or national decisions that affect the complaints process and make any modifications necessary to this policy. This policy is provided to all parents; through the prospectus, information given to new parents and the website, so that they can be adequately informed about the complaints process.

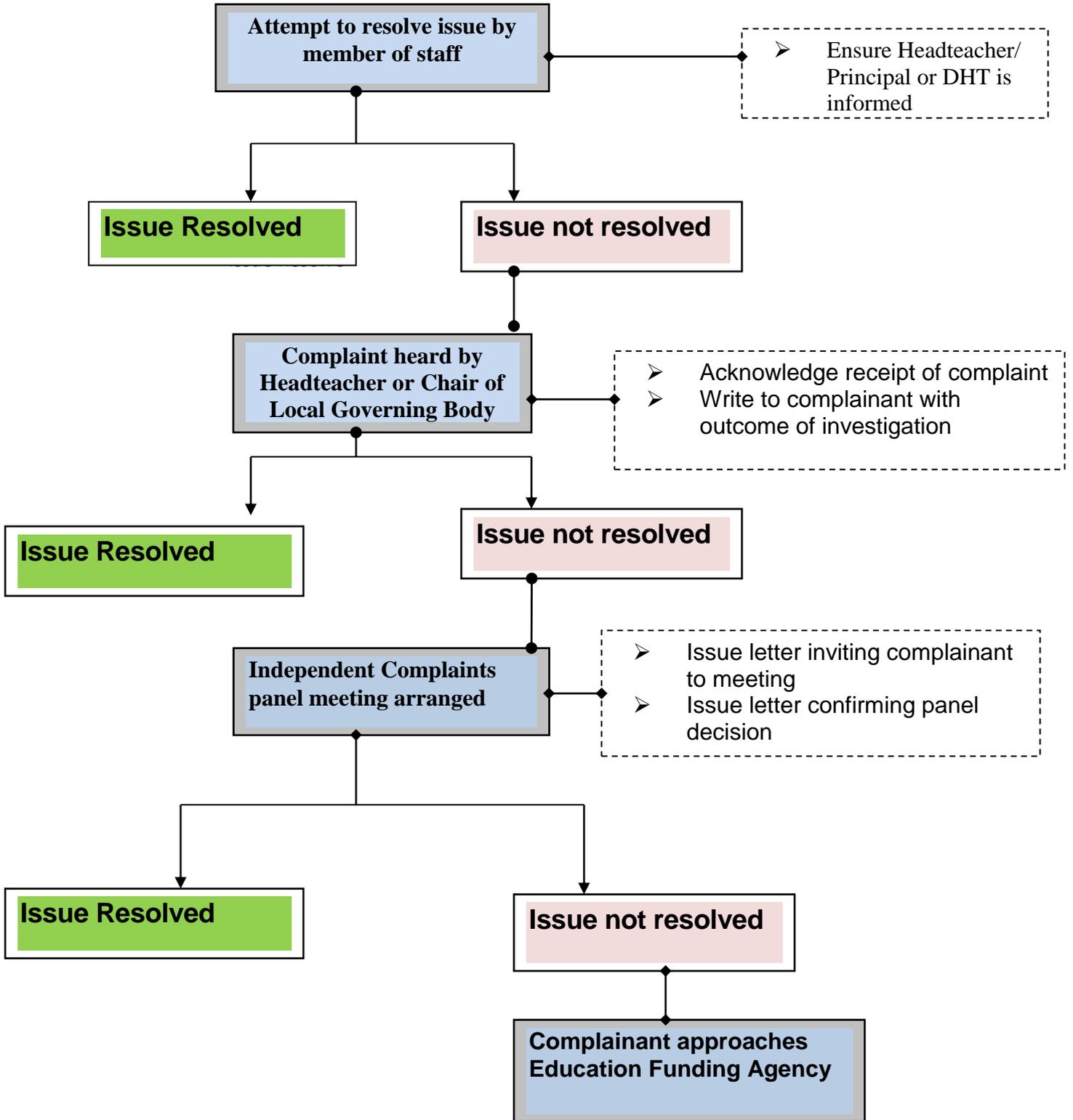
## **Checklist for a panel hearing**

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Headteacher/Principal may question both the complainant and the witnesses after each has spoken.
- The Headteacher/Principal is then invited to explain the Academy's actions and be followed by the Academy's witnesses.
- The complainant may question both the Headteacher/Principal and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Headteacher/Principal is then asked to summarise the Academy's actions and response to the complaint.
- The Chair explains that both sides will hear from the panel within a set time scale and checks the complainant feels they had had a fair hearing.
- Both parties leave together while the panel decides on the issues.

**Annex A - Complaints Flowchart**

**Flowchart for Complaints process**



**Annex B – Complaint Form**

Please complete and return to ..... who will acknowledge receipt and explain what action will be taken	
Your Name	
Pupil's Name	
Your relationship to the Pupil	
Address	
Postcode	
Daytime Tel Number	
Evening Tel Number	
Please give details of your complaint here	
What actions, if any have you taken to try and resolve your complaint	
What steps do you feel might resolve the problem?	
Are you attaching any paperwork?	
Signature	
Date	
<b>For Office Use only</b>	
Date acknowledgement sent	By Whom
Complaint referred to:	Date:

