



COMPLAINTS PROCEDURE POLICY

Key Manager	Principal
Ratified by LGB	July 2018
Review Dates:	July 2021
Location of Policy:	Website http://www.windmillprimary.co.uk
Access to Policy:	Open
Policy Context:	This Policy applies to all staff and students of the Academy and to those others offered access to such Academy resources.

Revision History

Revision Date	Description	Sections Affected	Revised By	Approved By

Introduction

Windmill Primary is committed to maintaining a positive partnership with parents and carers. Occasionally something happens which may make students or parents and carers unhappy. Then, it is important that parents and carers feel able to raise concerns in the most effective way.

The vast majority of complaints and concerns can be resolved informally either in person, by telephone, email or in writing.

Complaints should be dealt with quickly, but if the complaint is complicated or requires detailed investigation, it may take a longer time to sort out. The Academy will keep parents or carers informed on how the complaint is being addressed and when they can expect to hear the outcome.

This Policy will apply to most general complaints received by the Academy. It is not intended to cover those matters for which there is a specific statutory process to object, complain or appeal. These include; admissions decisions,



certain decisions relating to formal assessment of special educational needs and decisions to permanently exclude a child. Detailed guidance on legal appeals is available on the Academy website (stpetersschoolraunds.co.uk) or the Department of Education (www.education.gov.uk).

When a complaint concerns the Academy's curriculum or its religious education, a separate procedure applies. This can be found on the Academy website (see above).

The Policy

Summary of changes at last review:

- Expansion of the policy to distinguish between complaints and concerns.
- Separation of the policy and the procedure
- Policy is for NET and Procedure is for individual schools ie Manor School Sports College. Therefore the Academy procedures have been moved to the appendices.
- Change from Principal to Designated Investigative Officer in the Complaints procedure
- Update from EFA information to ESFA information
- Inclusion of sections on safeguarding, anonymous, persistent and vexatious complaints and expectations as per good practice guidance.

1. Introduction

1.1 This policy applies to Nene Education Trust (NET) (the trust) and all its academies. It may be used by parents/carers or other members of the public to raise a concern with the trust or any of its academies.

1.2 Nene Education Trust is committed to maintaining a positive partnership with parents and carers and understand that feedback is essential in improving our organisation. Occasionally something happens which may make students or parents and carers unhappy. Then, it is important that parents and carers feel able to raise concerns in the most effective way as we can only resolve issues or concerns if we know about them.

1.3 Parents and students should never feel that a complaint will be taken amiss or will adversely affect a pupil or their opportunities at one of our academies.



1.4 This policy distinguishes between a concern/difficulty which can be resolved informally and a formal complaint which will require investigation. The vast majority of concerns can be resolved informally either in person, by telephone, email or in writing. Concerns and complaints should be dealt with quickly, but if the complaint is complicated or requires detailed investigation, it may take a longer time to sort out. The Academy will keep parents or carers informed on how the complaint is being addressed and when they can expect to hear the outcome.

1.5 When a complaint concerns the Academy's curriculum or its religious education, a separate procedure applies. This can be found on the Academy website (see above).

Scope, definitions and legal framework

2.1 This policy is written in line with Education Skills and Funding Agency (ESFA) guidance and The Education (Independent School Standards) Regulations 2014 Schedule 1, Part 7 and utilises advice from the DfE 'Best Practice Advice for School Complaints Procedures 2016'.

2.2 For the purposes of this policy the following definitions apply:

- **Parent** means a current parent or carer or legal guardian.
- **Complainant** means the individual making a complaint whether that be a parent or member of the public.
- **Academy concern/complaint** means a concern raised or complaint made about a NET academy.
- **Trust concern/complaint** means a concern raised or complaint made about Nene Education Trust or one of its centralised employees.
- **School days** mean Monday to Friday when the academy is open during term time for academy concerns/complaints.

2.3 This Policy will apply to most general complaints received by the Academy. It is not intended to cover those matters for which there is a specific statutory process to object, complain or appeal. Detailed guidance on legal appeals is available from the academy or the Department of Education (www.education.gov.uk).

2.3.1 Therefore this policy does not apply to complaints made about any of the following as separate procedures apply:

- Admissions to schools - Please refer to the academy's admission arrangements on their website.
- Safeguarding
- Staff grievances and disciplinary procedures



- Complaints about services provided by other providers who may use academy premises or facilities.
- Whistleblowing
- Exclusion of children from an academy.

3 Safeguarding

3.1 We are committed to safeguarding and promoting the welfare of all its pupils/students. If concerns raised by parents/carers relate to a possible safeguarding issue, the matter will be referred to the designated safeguarding lead on the senior leadership team and will be handled in line with our organisational Safeguarding Policy.

4 Management of complaints

4.1 The trust complaints procedure has three stages:

4.1.1 Stage 1 – Informal Concern: informal raising of a concern or difficulty with a member of staff orally or in writing.

4.1.2 Stage 2 – Formal Complaint: a formal complaint in writing.

4.1.3 Stage 3 – Appeal to Local Governing Body / Trust Panel.

4.2 Further details of the three stages can be found in the Complaints and Concerns Procedure in appendix 1.

5 Confidentiality (stages 1, 2, 3)

5.1 A written record will be kept of all complaints via the complaints log, and of whether they were resolved at Stage 1, Stage 2, or proceeded to a panel hearing. The complaints log will be monitored by the Principal.

5.2 The number of formal complaints registered during the preceding school year is reported to the Trust board. Individual academies will report the number of complaints at each stage to their Local Governing Body (LGB).

5.2 Correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State or where disclosure is required in the course of a school's inspection or under other legal authority.

5.3 In accordance with data protection principles, no personal details relating to complaints will be passed on as part of the complaints reports to LGB. Personal details will only be shared internally where it essential for responding to and resolving the complaint and details of individual complaints will be kept only for as long as is considered to be reasonably necessary in the circumstances.



6 Anonymous Complaints

6.1 In so far as we are able, we will manage anonymous complaints as we do any other complaint. Anyone considering submitting an anonymous complaint should be aware that there may be instances where our ability to investigate a complaint thoroughly could be hindered by a lack of information – including our ability to speak to the complainant directly about their concerns. We will always investigate the complaint as far as we are able on the information given, however we will only feedback on the outcome of any investigation regarding one of our academies to a known parent of a student at the academy.

6.2 All investigations of **academy complaints** will be reported internally to the Principal and CEO for full oversight.

6.3 All investigations of **trust complaints** will be reported internally to the Chair of the Board for full oversight.

7 Expectations in relation to raising a concern

7.1 Parents/carers/members of the public who raise either informal concerns or formal complaints with the trust or one of its academies, can expect:

- a) This policy to be available with the other policies on the website.
- b) Response within a reasonable time and with courtesy and respect; ¹
- c) A staff member to be available for consultation within reasonable time limits bearing in mind the needs of the pupils within the school and the nature of the complaint;
- d) An attempt to resolve problems using reasonable means in line with this policy, and other policies and practice

7.2 In turn, the trust and its academies can expect anyone raising a concern to:

- a) Treat all staff with courtesy and respect;
- b) Respect the needs and well-being of pupils and staff;
- c) Avoid any use, or threatened use, of violence to people or property;
- d) Avoid any aggression, verbal abuse or other intimidating behaviour;
- e) Ensure that written communications state the facts surrounding the concern without using threatening or unpleasant language.
- f) Recognise the time constraints under which members of staff in our academies work and allow the academy a reasonable time to respond;
- g) Recognise that resolving a specific problem can sometimes take some time.

¹ Timescales are set out in the Concern and Complaints Procedure in Appendix 1



8 Persistent Complainants

8.1 For the purpose of this policy, a persistent complainant is a parent who complains about issues, either formally or informally, or frequently raises issues that the complainant considers to be within the remit of the trust and/or its academies, and whose behaviour is unreasonable. Such behaviour may be characterised by:

- a) Actions which are obsessive, persistent, harassing, prolific, repetitious;
- b) Prolific correspondence or excessive e-mail or telephone contact about a concern or complaint;
- c) Uses Freedom of Information requests excessively and unreasonably
- d) An insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes;
- e) An insistence upon pursuing complaints in an unreasonable manner;
- f) An insistence on only dealing with the Principal, members of the LGB or CEO of the Trust team on all occasions irrespective of the issue and the level of delegation in the academy to deal with such matters;
- g) An insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example, if the desired outcome is beyond the remit of the trust or its academies because it is unlawful.

8.2 For the purpose of this policy, harassment is the unreasonable pursuit of such actions as in (a) to (g) above in such a way that they:

- a) Appear to be targeted over a significant period of time on one or more members of academy staff and/or
- b) Cause on-going distress to individual member(s) of academy staff and/or
- c) Have a significant adverse effect on the whole/parts of the academy community and/or
- d) Are pursued in a manner which can be perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health.

8.3 The Principal and SLT will keep the CEO informed at all times regarding any cases of vexatious complaints or harassment.

8.4 Legitimate new complaints will still be considered, even if the person making them is, or has been, subject to sections 5 and 6 of this policy. However, advice should be sought from the Principal or CEO who will ensure that the appropriate HR/ legal advice is received. If a complainant's persistent complaining/harassing behaviour is modified and is then resumed at a later date within a reasonable



period of time, the trust/academy may resume the process identified above at an appropriate level. In these circumstances, advice may be sought from the HR/legal services the trust subscribes to.

8.5 The procedure for dealing with persistent or vexatious complaints is outlined in Appendix

9 Complaints to the Education and Skills Funding Agency

9.1 The Education and Skills Funding Agency (ESFA) has a responsibility to ensure that academies comply with their funding agreements. If ESFA receives a complaint regarding the academy or the trust it will check whether the complaint has been dealt with properly. ESFA will consider complaints about NET or its academies that fall into any of the following three areas:

- a) where there is undue delay or the trust/academy did not comply with its own complaints procedure when considering a complaint
- b) where the trust/academy is in breach of its funding agreement with the Secretary of State
- c) where the trust/academy has failed to comply with any other legal obligation

9.2 ESFA will not overturn an academy or trust's decision about a complaint. However, if ESFA find that an academy or the trust did not deal with a complaint properly they will request the complaint is looked at again and procedures meet the requirements set out in the Regulations.

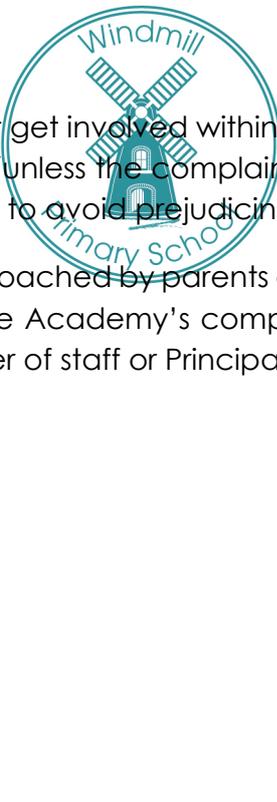
9.3 If any of the issues listed in 7.1 a) – c) apply, the Education and Skills Funding Agency can be contacted via:

- via the Department for Education's schools complaints form
- by post to Ministerial and Public Communications Division

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

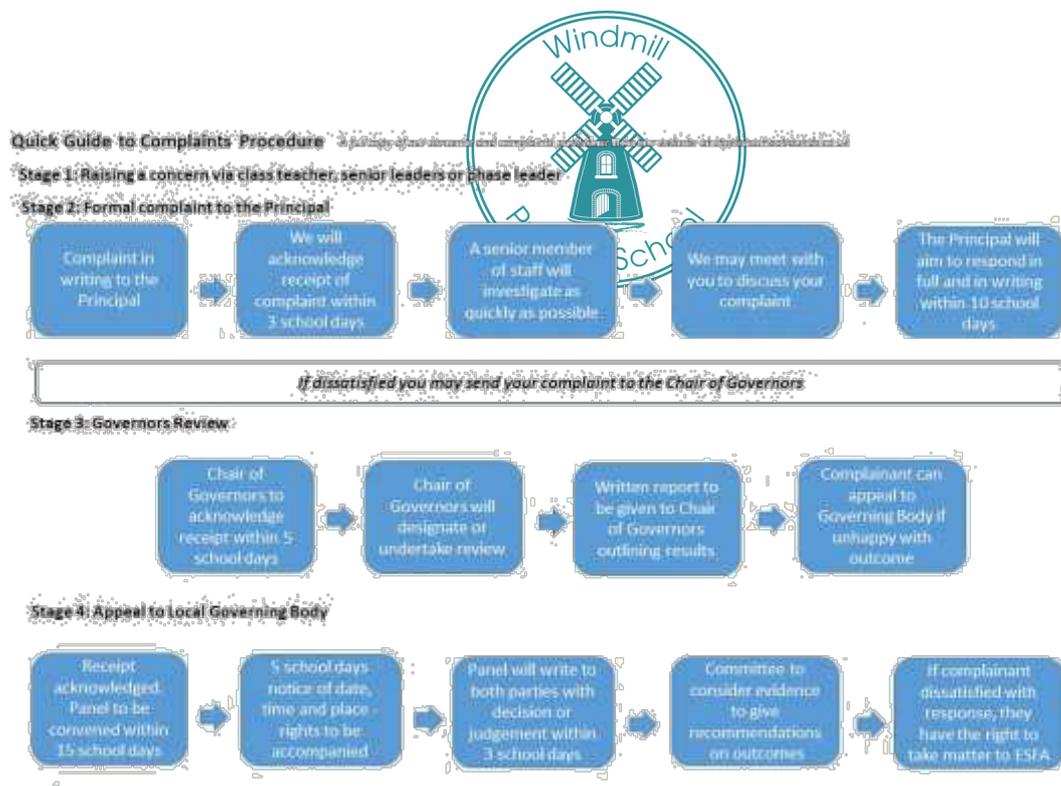
11. Local Governing Body

11.1 All academy LGBs have a remit of in relation to complaints/concerns. Each academy and it's LGB must consider what role academy Governors will play in relation to academy complaints (in line with this policy) and must publish, as part of the appendix showing procedures, these arrangements on their website in conjunction with this policy.



11.2 Individual governors should not get involved within the informal stage 1 or formal Stage 2 of the complaints process (unless the complaint is about the Principal as per the process outlined in Appendix 1) to avoid prejudicing their potential involvement.

11.3 If individual governors are approached by parents or others with complaints, they should refer the complainant to the Academy's complaints procedure, making the necessary introduction to a member of staff or Principal if appropriate.



Stage 1 – Initial Complaint

- i. It is important parents or carers contact the Academy and speak in the first instance to the student's class teacher, Phase Leaders or Senior Leaders. Parents or carers may not be clear at first that they are making a complaint. They may wish to ask a question or express an opinion.
- ii. Parents or carers should be given an opportunity to meet and discuss their concern with the appropriate member of staff. There may be occasions when it is appropriate or helpful for someone to accompany or act on behalf of a parent.
- iii. This discussion should aim to clarify the nature of the concern and assure them that the Academy wishes to hear about it. The discussion should also aim to clarify what kind of outcome the parent is seeking.
- iv. If the member of staff first contacted cannot deal with the matter immediately, s/he should make a firm arrangement to deal with it at a future date or refer the matter to the Principal or another appropriate member of staff. In either case a note of the name, date and contact details of the complainant should be taken. The first contact should check later to make sure the referral has been successful.
- v. The member of staff dealing with the concern should make sure that the parent or carer is clear what action (if any) or monitoring of the situation has been agreed. This should be confirmed in writing either by email or letter to clarify the outcome or next steps within 10 days of the concern first being raised.



- vi. When the parent or carer feels unhappy or that no satisfactory solution has been found, they should be informed that they will need to consider raising a formal complaint in writing to the Principal. This will invoke stage 2 of the complaints procedure.

Stage 2 – Formal Complaint to the Principal

- i. The Principal or their nominated senior member of staff will determine who has responsibility for responding to and investigating a formal complaint. Individuals on the governing body should not become involved at this stage to avoid prejudicing their possible future involvement in the Complaints procedure.
- ii. The Principal should acknowledge the complaint orally or in writing within three School working days of receipt giving a brief explanation of the complaints procedures and a target date for providing a response. Ideally, this should be within ten School working days. If it is not possible to deal with the matter in this time, the complainant should be informed of when it is likely to be concluded.
- iii. The Principal will consider providing an opportunity to meet with the complainant to supplement any information already given. The complainant should, if she/he wishes, be allowed to be accompanied by a friend or relative who can speak on his/her behalf. Interpreting facilities should be made available if required.
- iv. If the complaint is against a member of staff, the Principal should talk to the staff member against whom the complaint has been made. The member of staff should be given the opportunity to be accompanied by a work colleague, Trade Union Representative or a Professional Association colleague.
- v. If necessary, the Principal will interview witnesses and take statements from those involved.
- vi. Written records of meetings and interviews should be kept. Once all the relevant facts have been established, the Principal will produce a written response to the complainant. The Principal may wish at this stage to meet with the complainant to discuss/resolve the matter
- vii. The complainant should be advised in this letter that if they remain unhappy with the outcome, s/he may appeal to a panel of governors. The complainant should notify the Chair of Governors within 10 School working days of receiving the letter detailing the outcome of the complaint. The letter should detail the outcome the complainant is hoping for.

Complaints against the Principal – If the complaint is wholly or mainly about the Principal, the Governing Body will need to consider the complaint. The Chair of the Governing Body will investigate the complaint, arrange to meet with the complainant and invite the Principal to respond. Based on the

evidence collected, a resolution will be sought and the complainant informed of the outcome.



Stage 3 – Governor Review

- i. On receipt of letter escalating a complaint to Stage 3, the Chair of Governors will acknowledge receipt of within 5 school days.
- ii. The Chair of Governors will either undertake or designate a governor to undertake a review of the investigation and the recommendations / actions outlined.
- iii. As part of this process the designated governor (DG) may wish to speak to staff involved in the investigation or the complainant to provide further details.
- iv. Written records of the review will be kept. Once all the relevant facts have been established, the DG will produce a written response report to the Chair of Governors outlining the results of the Governors review.
- v. The Chair of Governors will produce a written response for the complainant. The Chair may wish at this stage to meet with the complainant to discuss/resolve the matter.
- vi. The complainant will be advised in this letter that if they remain unhappy with the outcome, s/he may appeal to a Governing Body panel (Stage 4). The complainant should notify the Chair of Governors within 10 school days of receiving the letter detailing the outcome of the complaint. The letter should detail the outcome the complainant is hoping for.
- vii. Any governor who has participated in the Governor Review (Stage 3) is not available to be part of any further Stage 4 Governing Body Panel.

Stage 4 – Appeal to the Governing Body

- i. The Governing Body should establish a Committee to deal with complaints, by nominating a pool of five governors from which three can be drawn for any hearing. Committee members should have had no prior involvement with the complaint. Generally, the Chair of Governors is not on the panel as s/he may be involved at the earlier stage. The Governing body should have regard to the advantages of having a mix of types of governor on the panel and be sensitive to issues of equal opportunity in the composition of the panel.
- ii. Individual governors should not get involved in looking into complaints before this stage to avoid prejudicing their potential involvement. If individual governors are approached by parents or others with complaints, they should refer the complainant to the Academy's complaints procedure, making the necessary introduction to a member of staff or Principal if appropriate.
- iii. Complaints that reach the appeal stage will do so because the complainant is not satisfied with the response so far. In this



situation it is perhaps helpful for the governing body to view any complaint as being against the Academy rather than an individual staff member whose actions may have led to the original complaint.

- iv. The aim of the appeal to a Committee of Governors is to resolve the complaint and achieve reconciliation between the Academy and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action, and to satisfy the complainant that their complaint has been taken seriously
- v. Upon receipt of a written request from the complainant for the complaint to proceed to Stage Three, the Clerk to the Governing Body should write acknowledging receipt of the written request, informing the complainant that it will be heard by a committee of the Governing Body within **15 School working days of receipt**.
- vi. The clerk should convene a meeting of the committee at a time which is convenient for the complainant and the Academy.
- vii. The clerk should ensure that the complainant, Principal and any other witnesses are given at least five School working days' notice in writing of the date, time and place of the hearing or otherwise are in full agreement of a shorter timescale. The letter of notification to the complainant should also inform him/her of their right to be accompanied by a friend/relative who can act as an advocate. The chair should ensure that interpretation facilities for the hearing are offered and made available if required. The letter should set out the procedure for the conduct of the hearing and the complainant's right to submit further written evidence to the committee.
- viii. The clerk should invite the Principal to attend the hearing and to submit a written report for the committee in response to the complaint. The Principal may also invite the Chair of Governors or any other members of staff directly involved in matters raised by the complainant to respond in writing and/or in person to the complaint. Any involvement of other staff should be at the discretion of the Chair of the Committee.
- ix. All relevant documents should be received by all parties, (including the complainant) at least five School working days before the meeting of the panel. This provides adequate opportunity to read them prior to the start of the meeting.
- x. At this stage in the process, the Chair of the Appeal Committee may wish to seek external advice and a consultant or external adviser may be invited to attend the meeting to advise the committee.
- xi. Proper minutes of the meeting should be taken.



- xii. The chair of the panel should try to ensure that the proceedings are sufficiently informal as possible and that the complainant and other participants feel at ease.
- xiii. At the conclusion of the representations and questions, the chair should explain that the panel will consider the issues and write to both parties with their **decision or judgement within 3 school days.**
- xiv. All except for the Committee of Governors and any advisers should then withdraw and the Committee should consider the evidence. This should include a judgement about the validity of the complaint, appropriate action to be taken by the Academy and/or the parent or carer, and where appropriate, recommendations on changes to the Academy's systems or procedures to ensure similar problems do not arise in the future.
- xv. The Academy should ensure that a copy of all correspondence and notes is kept confidentially on file in the school. This should be separate from students' personal records.
- xvi. The broad outcomes recommended by the Committee can be reported to the next full governing body or appropriate committee with the identity of all those taking part kept confidential. The governing body should monitor implementation of the recommendations.
- xvii. A summary of all complaints made to the Academy will be reported to the Governing Body on an annual basis.
- xviii. The complainant should be advised that if s/he is dissatisfied with the response, s/he has the right to take the matter further by complaining to the Education Funding Agency (EFA).

6. Complaints to the Education Funding Agency (EFA)

The EFA will normally only consider a complaint about an Academy when the Academy's own complaints procedure has been exhausted. The EFA cannot review or overturn decisions about complaints made by Academies. It can only investigate whether the Academy considered the complaint appropriately. Complaints to the EFA should be sent:

- By email to academyquestions@efa.education.gov.uk
- By post to Academies Central Unit (Academy Complaints), Education Funding Agency, Earlsdon Park, 53-55 Butts Road, Coventry, CV1 3BH.

Complaints about Academies will be dealt with by the Academies Group in the EFA.