



## Thrunscoe Primary and Nursery Academy

# Complaints Procedure

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### 1. Aims

Our academy aims to meet its statutory obligations when responding to complaints from parents/carers of pupils at the academy, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Treat complainants with respect
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into academy improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The academy will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the academy website.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

## 2. Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent Academy Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the academy.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

This policy complies with our funding agreement and articles of association.

In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#) with regards to dealing with complaints about the academy's fulfilment of Early Years Foundation Stage requirements.

## 3. Definitions and scope

The DfE guidance explains the difference between 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".

The academy will resolve concerns through day-to-day communication as far as possible.

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

The academy intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Pupil suspensions and permanent exclusions
- Whistle-blowing
- Staff grievances
- Staff discipline
- Withdrawal from the curriculum (parents and carers can withdraw their child from any aspect of religious education, including the daily act of collective worship. They do not have to explain why)

Please see our separate policies for procedures relating to these types of complaint.

Arrangements for handling complaints from parents of children with SEN about the academy's support are within the scope of this policy. Such complaints should first be made to the SENCO; they will then be referred to this complaints policy. Our SEND policy includes information about the rights of parents of pupils with disabilities who believe that our academy has discriminated against their child.

Complaints about services provided by other providers who use academy premises or facilities should be directed to the provider concerned.

## **4. Roles and Responsibilities**

### **The complainant**

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Co-operate with the school throughout the process, and respond to deadlines and communication promptly
- Treat all those involved with respect
- Not publish details about the complaint on social media

### **The investigator**

An individual will be appointed to look into the complaint, and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the headteacher or complaints committee which includes the facts and potential solutions

### **The complaints co-ordinator**

The complaints co-ordinator can be:

- The headteacher
- The designated complaints governor
- Any other staff member providing administrative support

The complaints co-ordinator will:

- Keep the complainant up to date at each stage in the procedure
- Make sure the process runs smoothly by liaising with staff members, the headteacher, chair of governors and clerk to the governors.
- Be aware of issues relating to:
  - Sharing third party information
  - Additional support needed by complainants, for example interpretation support or where the complainant is a child or young person
- Keep records

### **Clerk to the governing board**

The clerk will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

### **Committee chair**

The committee chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout

- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

## 5. Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The academy expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

### Complaints about our fulfillment of early years requirements

We will investigate all written complaints relating to the academy's fulfillment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The academy will keep a record of the complaint (see section 10) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the academy is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4666, or by emailing [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk). An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

We will notify parents and carers if we become aware that the academy is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

## 6. Stages of complaint (not complaints against the headteacher or a governor)

### Stage 1: raising concerns/complaints

Concerns should initially be brought to the attention of a member of staff either in person or over the telephone. An informal meeting may be arranged with the member of staff most appropriate for dealing with the concern.

Parents may wish to approach the child's class teacher first as they will be best placed to help you either directly or by advising which other member of staff you should be speaking to.

The academy encourages parents to approach staff with any concerns they may have, and aim to resolve all issues with open dialogue and mutual understanding.

The academy takes concerns seriously and will make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

**If the complaint is about a member of staff**, it should be raised with the headteacher either in person or in writing, and a meeting can be arranged with the headteacher to discuss the issue at hand.

The chair of governors may refer complaints that are taken straight to them back to the appropriate member of staff if they do not warrant the governing body's involvement at that point.

## **Stage 2: informal**

If a person is not happy with the way a concern has been dealt with at stage 1, or feels that the issue is serious enough to warrant it, they should contact the headteacher and explain the nature of the complaint, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the academy office.

The academy will acknowledge informal complaints within 7 days, and investigate and provide a response within 15 working days, unless there are exceptional circumstances. If there are exceptional circumstances, you will be notified of this and told when a substantive response can be expected.

The informal stage will involve a meeting between the complainant and the headteacher.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

## **Stage 3: formal**

The formal stage involves the complainant putting the complaint into writing, usually to the chair of governors. This letter should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

If complainants need assistance raising a formal complaint, they can contact the academy office (telephone 01472 320781 or email [office@thrunscoe.academy](mailto:office@thrunscoe.academy)).

The headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 10 days.

The headteacher (or designated member of the senior leadership team) will call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting, and should inform the academy of the identity of their companion in advance.

In certain circumstances, the academy may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the academy will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The headteacher (or other person appointed by the headteacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 15 working days.

### **How to escalate a complaint**

If the complaint is still unresolved, the complainant can escalate the complaint by informing the clerk to the governing board within 15 working days.

The chair of governors (or other person appointed for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 21 working days, unless there are exceptional circumstances.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the chair of governors in writing within 15 working days.

## **Stage 4: review panel**

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.

The panel will be appointed by the chair of governors and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the academy. The panel cannot be made up solely of governing board members, as they are not independent of the management and running of the academy.

The panel will have access to the existing record of the complaint's progress (see section 9).

The complainant must have reasonable notice of the date of the review panel.

If the complainant rejects the offer of 3 proposed dates without good reason, the clerk will set a date. The hearing will go ahead using written submissions from both parties.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

At the review panel meeting, the complainant and representatives from the academy, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish. We don't encourage either party to bring legal representation, but will consider it on a case-by-case basis. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by their union.

Representatives from the media are not permitted to attend.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

The panel, the complainant and the academy representative(s) will be given the chance to ask and reply to questions. Once the complainant and academy representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

The panel must then put together its findings and recommendations from the case. The panel will also provide a copy of the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the proprietor and headteacher.

The outcome:

The committee can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part

If the complaint is upheld, the committee will:

- Decide the appropriate action to resolve the complaint
- Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

The academy will inform those involved of the decision in writing within 15 working days.

## **7. Complaints against the headteacher or a governor**

### **Stage 1: informal**

Complaints made against the headteacher should be directed to the chair of governors and complaints made against any individual member of the governing board (including the chair or vice-chair) should be directed to the clerk of the governing board in the first instance.

A suitably skilled and impartial governor will then carry out the steps at stage 1 set out in section 6 above.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

Complaints about the whole governing board will be resolved at stage 2 below.

### **How to escalate a complaint**

Complaints can be escalated by contacting the clerk to the governing board:

- By letter or email
- Over the phone
- In person
- Through a third party acting on behalf of the complainant

The clerk will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

### **Stage 2: formal**

Complaints that involve or are about the headteacher should be addressed to the chair of governors, via the school office, marked as private and confidential.

Complaints about the chair of governors, any individual governor or the whole governing body should be addressed to the clerk to the governing board via the school office, marked as private and confidential.

Formal complaints can be raised:

- By letter or email
- Over the phone
- In person
- By a third party acting on behalf of the complainant

If the complaint is about the headteacher or an individual governor, a suitably skilled and impartial governor will then carry out the steps at stage 2 set out in section 6 above.

If the complaint is:

- Jointly about the chair and vice-chair or
- The entire governing board or
- The majority of the governing board

An independent investigator will carry out the steps in stage 2 set out in section 6 above. They will be appointed by the governing board, and will write a formal response at the end of their investigation.

The written conclusion of this investigation will be sent to the complainant within 15 school days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the governing board in writing within 15 school days. Requests received outside of this timeframe will be considered in exceptional circumstances.

The clerk will acknowledge receipt of the request within 10 school days.

### **Stage 3: review panel**

If the complaint is about the headteacher or an individual governor, the steps outlined in stage 3 of section 6 above will be followed.

If the complaint is:

- Jointly about the chair and vice-chair or
- The entire governing board, or
- The majority of the governing board

A committee of independent governors will hear the complaint. They will be sourced from local schools or the local authority and will carry out the steps at stage 3 (set out in section 6 above).

### **Stage 3: submit the complaint to an independent reviewer**

If the complaint is about:

- The headteacher
- An individual governor
- The chair and vice-chair or
- The entire governing board, or

- The majority of the governing board

The steps outlined in stage 3 of section 6 above will be followed.

## 8. Referring complaints on completion of the academy's procedure

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the Education and Skills Funding Agency (ESFA). The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a school's decision about a complaint, but will intervene if a school or trust has:

- Breached a clause in its funding agreement
- Failed to act in line with its duties under education law
- Acted (or is proposing to act) unreasonably when exercising its functions

If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly. For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

If the complainant is unsatisfied with the outcome of the academy's complaints procedure and the complaint is regarding the academy not meeting standards set by the DfE in any of the following areas, the complainant can refer their complaint to the DfE:

- Education
- Pupil welfare and health and safety
- Academy premises
- Staff suitability
- Making information available to parents
- The spiritual, moral, social or cultural development of pupils

The DfE will consider reports of a major failure to meet the standards. Where appropriate, it can arrange an emergency inspection to look at pupil welfare and health and safety, and make sure that the academy deals with serious failings.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

## 9. Persistent complaints

Where a complainant tries to re-open the issue with the academy after the complaints procedure has been fully exhausted and the academy has done everything it reasonably can in response to the complaint, the chair of governors (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the academy again about the same issue, the academy can choose not to respond. The normal circumstance in which we will not respond is if:

- The academy has taken every reasonable step to address the complainant's needs, *and*
- The complainant has been given a clear statement of the academy's position and their options (if any), *and*
- The complainant is contacting the academy repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

The academy will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the academy with the intention of causing disruption or inconvenience, and/or
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- The individual makes insulting personal comments about, or threats towards, academy staff

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the academy has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The academy will ensure when making this decision that complainants making any new complaint are heard, and that the academy acts reasonably.

### **Unreasonably persistent complaints**

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

- actions which are obsessive, persistent, harassing, prolific, repetitious
- prolific correspondence or excessive e-mail or telephone contact about a concern or complaint
- an insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes
- an insistence upon pursuing complaints in an unreasonable manner
- 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 academy because it is unlawful.

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

- appear to be targeted over a significant period of time on one or more members of academy staff
  - cause on-going distress to individual member(s) of academy staff
  - have a significant adverse effect on the whole/parts of the academy community
  - 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.

### **The Academy's Actions in cases of unreasonably persistent complaints or harassment**

In the first instance the academy will verbally inform the complainant that his/her behaviour is considered to be becoming unreasonable/unacceptable and, if it is not modified, action may be taken in accordance with this policy. This will be confirmed in writing.

If the behaviour is not modified the academy will take some or all of the following actions as necessary, having regard to the nature of the complainant's behaviour and the effect of this on the academy community:

- inform the complainant in writing that his/her behaviour is now considered by the academy to be unreasonable/unacceptable and, therefore, to fall under the terms of this policy
- inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties
- inform the complainant that, except in emergencies, all routine communication with the complainant to the academy should be by letter only

- (in the case of physical or verbal aggression) refer to Joint Local Authority-Police Guidance for Schools, “Dealing with Abuse, Threats and Violence Towards School Staff”, and consider warning the complainant about being banned from the academy site; or
- proceed straight to a temporary ban.
- consider taking advice on pursuing a case under Anti-Harassment legislation
- Reporting violent and threatening behaviour or behaviour which harasses any member of staff or shows discrimination to any member of staff to the police.

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 academy may resume the process identified above at an appropriate level.

## **10. Record-keeping**

The academy will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or under the terms of the Data Protection Act, or where the material must be made available during an academy inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and records management policy.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.

Where the governing board is aware of the substance of the complaint before the review panel stage, the academy will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.

## **11. Learning lessons**

The complaints committee of the governing body will review any underlying issues raised by complaints with the headteacher, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the academy can make to its procedures or practice to help prevent similar events in the future.

## **12. Monitoring arrangements**

The complaints committee of the governing body will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The complaints committee will track the number and nature of complaints, and review underlying issues as stated in section 11.

The complaints records are logged and managed by the Headteacher.

This policy will be reviewed by the business manager every year.

At each review, the policy will be approved by the full governing body

## **13. Links with other policies**

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
  - Admissions policy
  - Data protection policy
  - Exclusions policy
  - Privacy notices
  - Staff grievance procedures
  - Staff disciplinary procedures
  - SEN policy and information report
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