



## Thrunscoc 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 conduct
- 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 academy 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. Covert Recordings**

Whilst the Academy understands that recording audio conversations is not illegal under the Regulation of Investigatory Powers Act 2000 (RIPA), it discourages all pupils, parents and staff from recording any audio conversation. If a recording is made and then subsequently made available to a third party, the Academy would look at taking legal advice and / or putting in place temporary restrictions on how the parent / carer are able to communicate with the academy ie only via email / only face to face meetings with a minute taker.

In line with the Academy Parent Code of Conduct, parents should not make any audio recordings on the Academy campus.

If a member of staff becomes aware that a recording has been made by a parent / carer, they will speak to a senior leader for further sanctions to be followed. The Academy may then discuss this further with parents/carers.

In relation to the complaints policy, complainants should obtain the informed consent of all parties before recording conversations or meetings, and that the academy reserves the right to refuse permission for a complainant to use a recording that has been obtained covertly in the complaints process.

In addition, if parents wanted to record a meeting with staff, the decision would be made by the headteacher.

Covert recordings of phone conversations should not be made by parents.

This is to ensure:

- A respectful and open dialogue between parents and staff
- The privacy and confidentiality of everyone involved
- That discussions take place in a safe and trusted environment
- If a parent wishes to keep a record of a meeting, please speak to a member of the senior leadership team beforehand. Notes can be shared upon request to ensure clarity and understanding.
- We appreciate your cooperation in supporting a positive and professional academy community.

## 6. 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.

We will consider complaints made outside of term time to have been received on the first academy day after the holiday period.

### 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.

## 7. How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

Complaints against academy staff (except the head teacher) should be made in the first instance, to Headteacher Simon Bate via the Academy office. Please mark them as Private and Confidential.

Complaints that involve or are about the head teacher should be addressed to Mr R Sperr (the Chair of Governors), via the academy office. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk of the Governing Body via the academy office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the Academy office.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations

## 8. Stages of complaint

### Informal Complaints

It is to be hoped that most concerns can be expressed and resolved on an informal basis. Concerns should be raised with either the class teacher, year head / subject head or head teacher.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis, and it may also prevent them from considering complaints at Stage 2 of the complaint's procedure.

If the issue remains unresolved, you can make a formal complaint.

### Stage 1: Formal Complaints

Formal complaints must be made to the head teacher (unless they are about the head teacher), via the academy office. This may be done in person or in writing (preferably using the Complaint Form).

The head teacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 7 academy days.

Within this response, the head teacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The head teacher can consider whether a face to face meeting is the most appropriate way of doing this.

*Note: The head teacher may delegate the investigation to another member of the academy's senior leadership team but not the decision to be taken.*

During the investigation, the head teacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the head teacher will provide a formal written response within 15 academy days of the date of receipt of the complaint.

If the head teacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the Academy will take to resolve the complaint.

The head teacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the head teacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 1.

Complaints about the head teacher or member of the governing body must be made to the Clerk, via the academy office.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 1 will be considered by an independent investigator appointed by the governing body. At the conclusion of their investigation, the independent investigator will provide a formal written response.

## Stage 2: Panel Hearing

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint with one panel member who is independent of the management and running of the academy. This is the final stage of the complaint's procedure.

A request to escalate to Stage 2 must be made to the Clerk, via the academy office, within 20 academy days of receipt of the Stage 1 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 7 academy days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 academy days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 2 will be heard by a completely independent committee panel.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a academy employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

*Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under (Human Resources) staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least 7 academy days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least 3 academy days before the meeting.

Any written material will be circulated to all parties at least 3 academy days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

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 must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the academy's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and Academy with a full explanation of their decision and the reason(s) for it, in writing, within 15 academy days.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by the Academy.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the Academy will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the academy premises by the proprietor and the head teacher.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

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

If the complainant is unsatisfied with the outcome of the academy's complaints procedure, they can refer their complaint to the DfE. The DfE will check whether the complaint has been dealt with properly by the academy. The DfE will not overturn a academy's decision about a complaint, but will intervene if a academy 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 academy's complaints procedure is found to not meet regulations, the academy 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-academy>

## **10. Persistent and unreasonable 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.

### **Unreasonable behaviour**

For the purpose of this policy, unreasonable behaviour means actions that make it difficult for the academy to deal with complaints because of the frequency or nature of the complainant's contact with the academy, such as when someone:

- refuses to co-operate with the complaints investigation process
- 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
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- makes excessive demands on academy time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- changes the basis of the complaint as the investigation proceeds
- 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.
- publishes unacceptable information on social media or other public forums.

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 Academies, "Dealing with Abuse, Threats and Violence Towards Academy 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, the academy may resume the process identified above at an appropriate level.

## **11. 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.

## **12. 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.

### **13. 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

### **14. 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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Policy dated: September 2025

Approved by the governing body on: 3<sup>rd</sup> September 2025

Next review date: September 2026

## 15. Complaint Form

Please complete and return to the Academy who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b>  <b>Postcode:</b> <b>Day time telephone number:</b> <b>Evening telephone number:</b> <b>Email address:</b>
<b>Please give details of your complaint, including whether you have spoken to anybody at the academy about it.</b>

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

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

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Action taken:**

**Date:**