



Kenningtons Primary Academy Complaints Policy

October 2017

Signed on behalf of the Governing Body	<i>Sarah Deep</i> Chair of Governors
Date of Signing	12/10/17
Date of Review	OCTOBER 2020

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1. Introduction

- 1.1. This policy is intended to allow you to raise a concern or complaint relating to the school, or the services that it provides.
- 1.2. This policy should be used alongside Kenningtons Primary Academy's Home/School Agreement.
- 1.3. This policy has been reviewed with reference to the Education Funding Agency guidance "Creating an academy complaints procedure" January 2015 and the Department of Education's Best Practice Advice for School Complaints Procedures 2016
- 1.4. This policy is not intended to cover those matters for which there is a specific statutory process to object, complain or appeal, for example, school admissions or exclusions. (See Appendix 1)
- 1.5. An anonymous concern or complaint or any concern or complaint raised on social media will not be investigated under this policy, unless there are exceptional circumstances.
- 1.6. To enable a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. In general, any matter raised more than 3 months after the event, being complained of, will not be considered.
- 1.7. For the purposes of this policy there is a 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*'
 - A 'complaint' is defined as '*an instance where a parent or other member of the public believes the school has not followed school policy, as put in place by the Governing Body, or statutory guidance, as set by central government*'

2. Complaints Policy

- 2.1. The majority of issues raised by parents, the community or pupils, are concerns rather than complaints. Kenningtons Primary Academy is committed to taking concerns seriously, at the earliest stage, in the hope of keeping the number of formal complaints to a minimum and without needing formal procedures. However, depending on the nature of the complaint, the instigator may wish or be asked to follow the school's formal complaints procedure.
- 2.2. The prime aim of Kenningtons Primary Academy School's policy is to resolve the concern or complaint as fairly and speedily as possible. Formal complaints will be dealt with in a sensitive, impartial and confidential manner.
- 2.3. Serial Complaints and Unreasonable Complainants will be dealt with by the school as detailed in Appendix 2. Malicious complaints may incur appropriate legal action by the school.

- 2.4. Complaints made by groups of parents will always be treated on an individual basis in order that any investigation is carried out in a fair and impartial manner.

3. Complaints Procedure

- 3.1. The following details outline the stages that can be used to resolve complaints.

This procedure has four main stages, in summary they are as follows:

- Stage 1 (Informal) – A concern is raised informally with a staff member.
- Stage 2 (Formal) – Complaint is considered by Headteacher / Deputy Headteacher.
- Stage 3 (Formal) – Complaint is considered by Chair or Vice Chair of Governors
- Stage 4 (Formal) – Complaint is presented to the Governing Body's Complaints Appeal Panel.

3.2 Stage 1 (Informal) – Raising a Concern

- 3.2.1. Concerns can be raised with the school at any time and will often generate an immediate response, which will resolve the concern. The school requests that those with concerns or queries make their first contact with the class teacher or member of staff as per the Kenningtons Primary Academy Contact Tree provided in Appendix 3. Parent Drop In sessions are held fortnightly in addition to two Parent Consultation Days in the academic year to enable parents to raise concerns with class teachers. It is also possible to pass a handwritten note to the member of staff on door duty in the morning or to telephone the school office.
- 3.2.2. On some occasions the concern raised may require investigation, or discussion with others, in which case the complainant will receive an informal but informed response within a day or two. The vast majority of concerns will be satisfactorily dealt with in this way. However, if the complainant is not satisfied with the result at Stage 1, they should write to the school within 10 school working days and state that they would like to make a formal complaint. The formal complaint must be made in writing; please see guidance below and Appendix 4.

3.3 Stage 2 (Formal) – Complaint is considered by the Headteacher

- 3.3.1. In order for a complaint to be considered by the Headteacher, full details of the complaint must be provided – the form in Appendix 4 ('Notification of Formal Complaint' must be completed and used for this purpose. This ensures that the Headteacher has all the information required to conduct the investigation into the complaint thoroughly. The complaint should be addressed to Kenningtons Primary Academy Headteacher.
- 3.3.2. The school will normally acknowledge receipt of the complaint within 5 school working days of receiving it. Upon completion of the investigation the Headteacher will write to the complainant with the findings of that investigation usually within a further 10 school working days.

3.3.3. The aim will be to resolve the matter as speedily as possible. However, if the complainant is not satisfied with the result at Stage 2 they should contact the school within 10 school working days of receiving their written response, to submit a written complaint to the Chair of Governors.

NB. If a complainant wishes to make a formal complaint about the conduct of the Headteacher, this should be put in writing to the Chair of Governors (moving straight to Stage 3, below, of the procedure).

3.4 Stage 3 (Formal) – Complaint is considered by the Chair of Governors

3.4.1. If the matter has not been resolved at Stage 2, then a written complaint will need to be sent to the Chair of Governors repeating the details of the complaint that was addressed to the Headteacher and explaining why the complainant is dissatisfied with the outcome of Stage 2. NB. No additional complaint or evidence, further to that submitted to the Headteacher at Stage 2, may be included at this stage.

3.4.2. If the complainant is making a formal complaint directly about the conduct of the Headteacher, this should be submitted in writing to the Chair of Governors, care of the school. Full details of the complaint should be provided – the form provided in Appendix 4 ('Notification of Formal Complaint') must be completed and used for this purpose.

3.4.3. The Chair will acknowledge receipt of the communication within 5 school working days and will then oversee a full investigation of the issues raised. On completion of a full investigation, the Chair will write to all parties to inform them of the outcome usually within a further 20 school working days.

3.4.4. The outcome of the investigation would usually be one of the following but not limited to:

- The evidence indicates that the complaint was substantiated and therefore upheld;
- The complaint was substantiated in part or in full (some details would be given of the actions the school will take in response to the complaint except where they may be of a disciplinary or other such nature relating to an individual member of staff);
- There is insufficient evidence to reach a conclusion so the complaint is inconclusive;
- The complaint is not substantiated by the evidence and therefore not upheld.

3.5 Stage 4 – Complaint presented to the Governing Body's Complaints Review Panel

3.5.1. On the very rare occasion that the matter has still not been resolved at Stage 3, then the complainant may refer the matter to the Governing Body who will establish a panel of at least three people who have not been directly involved in the matters detailed in the complaint.

3.5.2. The complainant should write to the Chair of Governors, within 10 school working days of receiving the Chair of Governor's written response at Stage 3, asking for the matter

to be considered by the Governing Body's Complaints Review Panel with delegated powers to hear complaints. They must also explain why they are requesting a review, and why they consider the response they have received to be unsatisfactory. NB. No additional complaint, evidence or information, further to that submitted at Stage 2, (or at Stage 3 to the Chair of Governors) may be introduced for consideration at this stage

- 3.5.3. The Review Panel may only be convened in the context of a formal complaint where the complainant has already engaged with Stages 1, 2 and 3 as per the information contained in this policy.
- 3.5.4. The Review Panel will be convened normally within 20 working school days of receipt of the written request for Stage 4. The complainant will be notified of the time, date and venue of the panel meeting and invited to attend.
- 3.5.5. The complainant may be accompanied by a friend or adviser if they so wish. For the avoidance of doubt, the person accompanying the complainant will be present for moral support only and will not play any part in the proceedings, unless invited to do so by the Chair of the Governing Body's Complaints Review Panel, entirely at his or her discretion and for good reason.
- 3.5.6. The Review Panel meeting is not a legal hearing and it is not appropriate for either the complainant or the school to be legally represented.
- 3.5.7. Should the complainant inform the Clerk to the Governing Body that they are unable to attend on the date provided, the panel meeting will be convened for a second date as soon as possible at the discretion of the Chair of Governors.
- 3.5.8. If the complainant does not attend the panel meeting without notifying the Clerk to the Governing Body, the Review Panel meeting may still go ahead.
- 3.5.9. If the complainant is unable to attend either of the dates provided, the complainant may submit a written statement for consideration by the panel in their absence.
- 3.5.10. The panel will consist of three people; two panel members will, under normal circumstances, be governors of Kenningtons Primary Academy and one panel member will be a person who is independent of the management and running of the school. Complaints will never be heard by the whole Governing Body at any stage as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.
- 3.5.11. Any documentation relating to the complaint will be circulated to the complainant and Review Panel prior to the meeting. Under normal circumstances this will be five school working days in advance of the meeting and will be sent by recorded delivery to the complainant.
- 3.5.12. Review Panels are convened to review the school's response to a complaint.
- 3.5.13. The Review Panel's purpose, in each case, is to consider (not to re-investigate) the original complaint and the school's response to it, including its investigation and to make recommendations with reason to all those involved. The Review Panel's role is

not to undertake a re-investigation of the case, nor to extend its reference beyond the above matters.

3.5.14. The role of the Review Panel is to review the actions and supporting evidence of the investigation under Stage 3. The Review Panel is not permitted to do the following:

- to re-investigate the complaint;
- to reach a definite view on a point of law;
- to criticise the complainant for any “contributory negligence” that may have contributed to the difficulties;
- to be an alternative to a disciplinary hearing, as far as staff are concerned;
- to hear any new complaints (except if it relates to the length of time taken to deal with the substantive complaint).

3.5.15. There are several points which any panel member on a Review Panel needs to remember:

- It is important that the appeal hearing is independent and impartial and that it is seen to be so. No person may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross section of the categories of governor and sensitive to the issues of race, gender, gender orientation and religious affiliation.
- It has to be recognised 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.
- Panel members need to be aware of the complaints procedure.

3.5.16. The outcome of the Panel Review meeting may be, but not limited to, one of the following:

- The Panel can
 - dismiss the complaint in whole or in part;
 - uphold the complaint in whole or in part;
 - recommend changes to the Academy’s systems or procedures to ensure that problems of a similar nature do not recur.

3.5.17. Roles and Responsibilities

The Role of the Clerk to the Governing Body

The Clerk to the Governing Body is the contact point for the complainant and is required to:

- set the date , time and venue of the hearing, ensuring that the dates are convenient for the panel, liaising with the complainant to inform them of the dates of the panel hearing, and that the venue and proceedings are accessible;

- collate any written material and sent it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing.

The Role of the Clerk to the Governing Body's Complaints Review Panel

The Clerk to the Governing Body' Complaints Review Panel is required to:

- record the proceedings;
- notify all parties of the panel's decision.

The Role of the Chair of the Governing Body

The Chair of the Governing Body is required to:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the Clerk to the Governing Body to arrange the panel.

The Role of the Chair of the Governing Body's Complaints Review Panel

The Chair of the Governing Body's Complaints Review Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. All relevant documentation is kept confidential ;
- if a new issue arises they use their discretion whether to give all parties the opportunity to consider and comment on it
- recommendations and findings should be recorded and distributed as appropriate.

NB. The Chair of the Governing Body's Complaints Review Panel has the right to adjourn the meeting.

3.5.16. Notification of the Review Panel's Decision: The Chair of the Governing Body's Complaints Review Panel needs to ensure that the complainant, Chair of

Governors and where relevant, the person complained about is notified of the panel's decision, findings and recommendations within 5 working school days. A copy of the findings and recommendations should be available for inspection on the schools' premises by the Chair of Governors and Headteacher. The letter needs to explain if there are any further rights of appeal and if so, to whom they need to be addressed.

GENERAL NOTES

Any person bringing a complaint under this policy should be aware of the following:

- **Written records are kept of all complaints and whether they are resolved at the preliminary stage or proceed to a panel hearing.**
- **All correspondence, statements and records of complaints are 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).**
- **The Governing Body's Complaints Review Panel hearing is the last academy based stage of the complaints process. Complainants wishing to take a complaint further must contact the Education Funding Agency – see note below*.**
- **Assuming that the principle of taking and being seen to take complaints seriously is respected, and the Headteacher and/or Governing Body have done everything possible to address and resolve the complaint, there may be a justifiable case for formally closing the complaint.**

***The Role of the Education Funding Agency (EFA)**

The EFA will check whether the complaint has been dealt with properly by Kenningtons Primary Academy.

The EFA will only consider complaints about academies that fall into any of the following three areas:

1. where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint;
2. where the academy is in breach of its funding agreement with the Secretary of State;
3. where an academy has failed to comply with any other legal obligation.

The EFA will not overturn an academy's decision about a complaint. However, if they find an academy did not deal with a complaint properly they will request the complaint is looked at again and procedures meet the requirements set out in regulations.

If the academy's complaints procedure does not meet the Regulations, they will ask the academy to put this right. They may seek to enforce the decision under the terms of the funding agreement on behalf of the Secretary of State, if appropriate.

Appendix 1 – Complaints not in the scope of this Policy

A Complaints Policy should cover all complaints about any provision of facilities or services that a school provides with the **exceptions** listed below, for which there are separate (statutory) procedures.

Exceptions	Who to contact
<ul style="list-style-type: none"> • Admissions appeals 	Local authority
<ul style="list-style-type: none"> • Statutory assessments of Special Educational Needs (SEN) 	SEN in the local authority
<ul style="list-style-type: none"> • Matters likely to require a Child Protection Investigation 	Multi Agency Safeguarding Hub in the local authority
<ul style="list-style-type: none"> • Exclusion of children from school 	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions .
<ul style="list-style-type: none"> • Staff disciplinary procedures 	These matters will invoke the school's internal disciplinary procedures. Complainants will not be informed of the outcome of any investigation.
<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use school premises or facilities. 	Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.

Appendix 2 – Policy for dealing with Serial Complaints and Unreasonable Complainants

Serial complaints

In the case of serial complaints, the school will register but not address any additional complaints until the procedure connected to the original complaint has been concluded. New cases will be addressed only after there has been a conclusion of any existing procedure. This does not prevent a parent logging a complaint.

Unreasonable Complainants

Kenningtons Primary Academy is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with 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.

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

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

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

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

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

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

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

If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact this 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 the school.

Barring from the School Premises

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

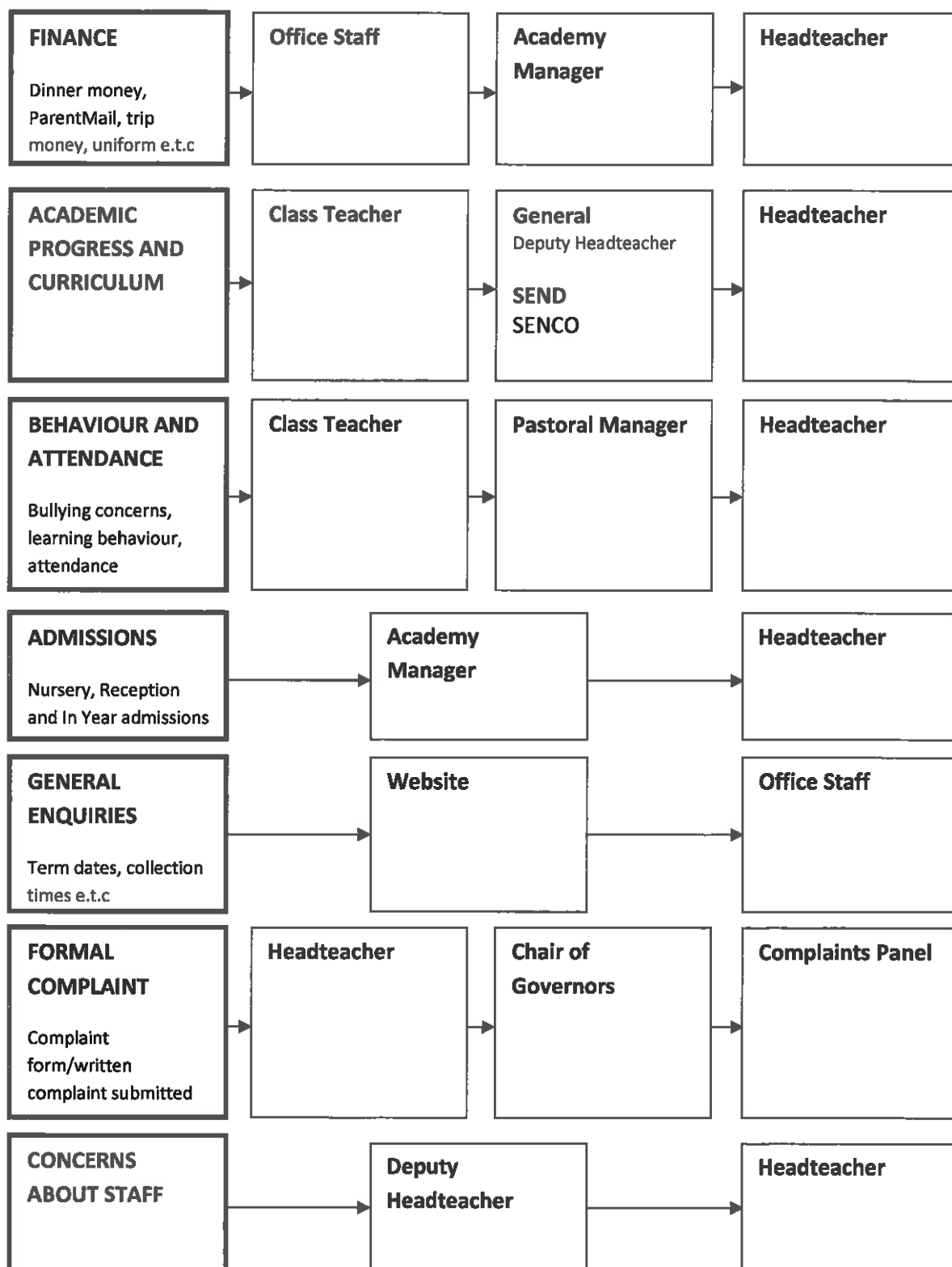
If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Headteacher can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Schools 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 Headteacher, 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 Headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for

Education. 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.

Appendix 3 – Kenningtons Primary Academy Contact Tree



Appendix 4 - Notification of Formal Complaint

Please complete this form and return it to the Main School Office.

Your name:
Pupils name (if applicable):
Your relationship to the pupil (if applicable):
Your address:
Your postcode:
Your daytime telephone number:
Your evening Telephone number:
Please state your complaint, specifying in what way you feel the school has breached school policy or statutory guidance:
Please provide details of your complaint [attaching extra sheets if necessary]:

What action, if any, have you already taken to try to resolve your complaint, [who did you speak to and what was the response]?

What action do you feel might resolve the problem?

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

Signature:

Date:

Appendix 5

For official use only

Date complaint received:

Acknowledgement sent by:

Date acknowledgement sent:

Complaint referred to:

Date referred to Chair of Governors:

Record of subsequent procedures: