

Complaints Policy

Compliments

These are always welcome and very encouraging to teachers and staff. The schools within the Trust ("the Schools") encourage feedback or opinions from pupils and parents. In practice, this dialogue is continuous, sometimes directly and also indirectly, for example, through the Governors or Parents' Association. It may not always be possible to act immediately but pupils and the schools always benefit so please don't hold back.

Concerns

It is natural that parents may, occasionally, be concerned about an aspect of their child's education or welfare at school. This could include issues concerning the School's approach to aspects of the curriculum, homework, behavioural problems or any other issue.

The Schools welcome enquiries from parents about any matter. Teachers and staff will explain the school practices, policies, and how they affect the pupils. The vast majority of concerns will be handled by the class teacher or by the child's Maths or English teacher if this is more helpful. If in doubt, keep asking until you are completely satisfied as all staff are eager to help.

The usual format is to speak to the child's class teacher in the first instance, or to contact the school office to arrange an appointment to discuss your concern with whoever you wish. At all times, the staff will help to resolve a problem. If occasionally parents feel they must state their concern formally, this too is not a problem. The Schools have defined procedures for handling complaints so don't be embarrassed if you feel an issue warrants more attention.

Complaints

The procedure is again to speak to the child's class teacher in the first instance, or contact the school office to arrange an appointment to discuss your complaint with whoever you wish. The Schools' policy is to follow the Local Authority (Essex County Council) and Department for Education guidelines when handling concerns and complaints. Just ask if you would like advice or a copy.

In summary, the nationally accepted procedure is divided into four stages:

Stage 1 aims to resolve the concern through informal contact at the appropriate level in school.

Stage 2 is the first formal stage where written complaints are considered by the Headteacher (or a designated governor, if the complaint is about the Headteacher), who has responsibility for dealing with complaints.

Stage 3 is the next step once Stage 2 is complete. It involves a complaints review panel of governors and one further member which is independent of the management and running of the academy.

Stage 4 is used if the complainant is unsatisfied with the outcome of the Schools' complaints procedure at which time they will be referred to the ESFA.

If you should need to refer to the full procedures and government guidance, please ask at the school office. All staff are familiar with the guidelines and have a duty to help parents needing advice. Please don't feel you are making a fuss. These procedures have been carefully compiled and their reference, however rare, is routine to help pupils, parents and the school.

Time scales

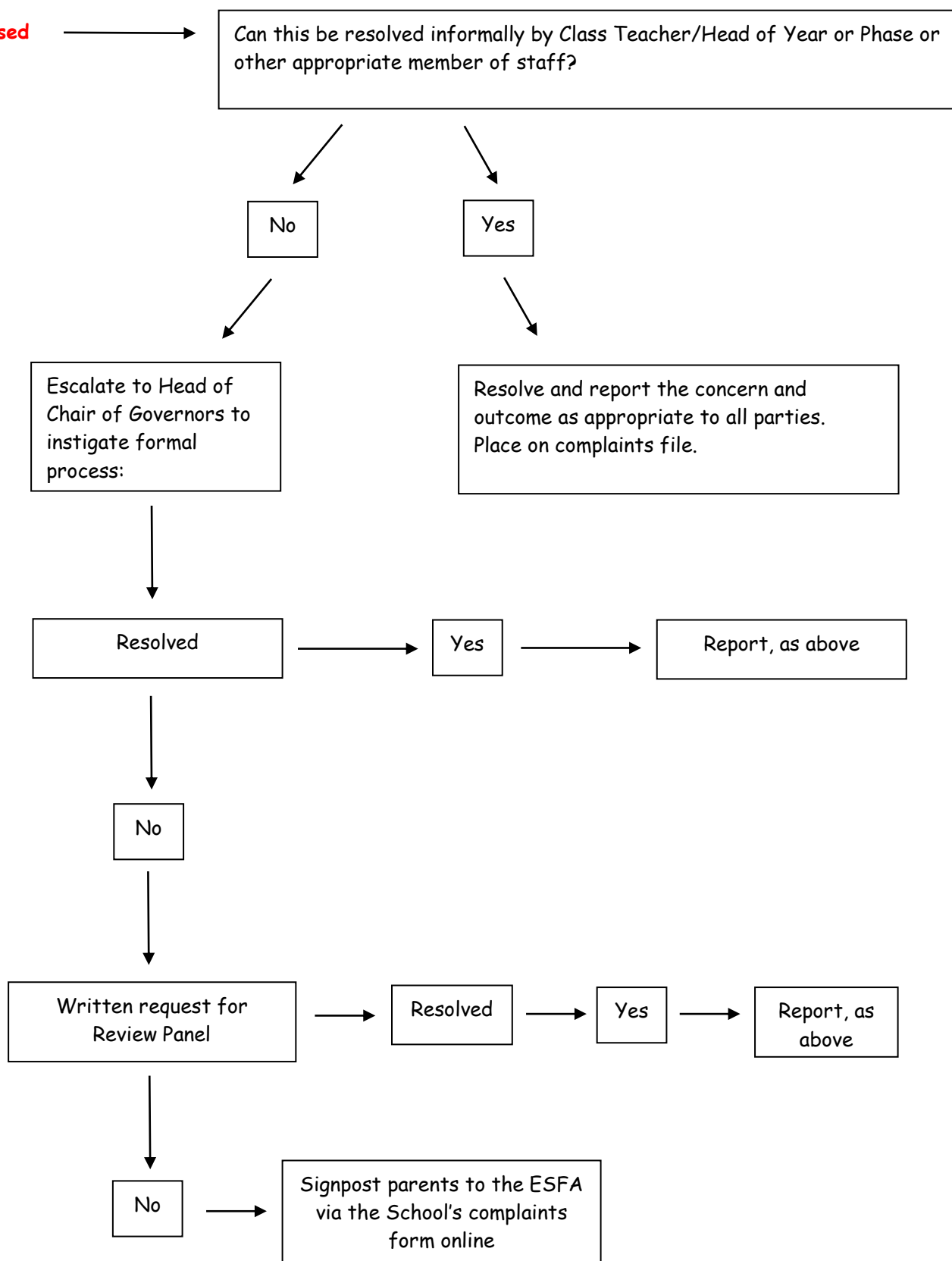
You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will only consider complaints made outside of this time frame if exceptional circumstances apply.

Complaints received outside of term time

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

Action flow-chart

Concern raised



Complaints procedures

Our procedures for dealing with general concerns

How each of these stages operates is explained below:

Stage 1 – Your initial contact with the school

1. Many concerns will be dealt with informally when you make them known to us. The first point of contact should be your child's class teacher.
2. We will see you, or contact you by telephone or in writing, as soon as possible after your concern is made known to us. All members of staff know how to refer, if necessary, to the appropriate person with responsibility for particular issues raised by you. He or she will make a clear note of the details and will check later to make sure that the matter has been followed up.
3. We will ensure that you are clear what action or monitoring of the situation, if any, has been agreed. We will confirm this in writing to you.
4. We will ensure that we speak directly to all appropriate persons who may be able to assist us with our enquiries into your concern.
5. We will discuss with you (normally within ten working days) the progress of our enquiries. You will have the opportunity of asking for the matter to be considered further, once we have responded to your concern.
6. If you are still dissatisfied following this informal approach, your concern will become a formal complaint and we will deal with it at the next stage.

Stage 2 – Formal consideration of your complaint

This stage in our procedures deals with written complaints. It applies where you are not happy with the informal approach to dealing with your concern, as outlined under Stage 1 above.

1. Normally, your written complaint should be addressed to the Headteacher. If, however, your complaint concerns the Headteacher personally, it should be sent to the school marked "For the attention of the Chair of Governors". A Complaint Form (see Appendix C) can be issued for completion and return.
2. We will acknowledge your complaint in writing as soon as possible after receiving it. This will be within three working days.
3. We will enclose a copy of these procedures with the acknowledgement.
4. Following an investigation into the complaint, normally we would expect to respond in full within ten working days, but if this is not possible, we will write to explain the reason for the delay and let you know when we hope to be able to provide a full response.
5. As part of our consideration of your complaint, we may invite you to a meeting to discuss the complaint and fill in any details required. If you wish, you can ask someone to accompany you to help you explain the reasons for your complaint.
6. The Headteacher, or Chair of Governors may also be accompanied by a suitable person if they wish.
7. Following the meeting, the Headteacher or Chair of Governors (or designated Governor) will, where necessary, talk to witnesses and take statements from others involved. If the complaint centres on a pupil, the appropriate member of staff will talk to the pupil concerned and, where appropriate, others present at the time of the incident in question.
8. We will normally talk to pupils with a parent or carer present, unless this would delay the investigation of a serious or urgent complaint, or where a pupil has specifically said that he or she would prefer the parent or

carer not to be involved. In such circumstances, we will ensure that another member of staff, with whom the pupil feels comfortable, is present.

9. If the complaint is against a member of staff, it will be dealt with under the school's internal confidential procedures, as required by law.
10. The Headteacher or Chair of Governors will keep written/typed, signed and dated records of all meetings and telephone conversations, and other related documentation.
11. Once we have established all the relevant facts, we will send you a written response to your complaint. This will give a full explanation of the Headteacher's, Chair of Governors' or designated Governor's decision and the reasons for it. If follow-up action is needed, we will indicate what we are proposing to do, subject to non-disclosure of information where confidentiality is required. We may invite you to a meeting to discuss the outcome as part of our commitment to building and maintaining good relations with you.
12. The person investigating the complaint may decide that we have done all that we can to resolve the complaint, in which case we may use our discretion to close the complaint at this point.
13. If we do not close the complaint after Stage 2, may wish to proceed to Stage 3, as described below.

Closure of complaints

- ✦ Very occasionally, we may feel that we need, regretfully, to close a complaint where the complainant is still dissatisfied.
- ✦ We will do all that we can to help to resolve a complaint against us but sometimes it is simply not possible to meet all of the complainant's wishes. Sometimes it is simply a case of "agreeing to disagree".
- ✦ If a complainant persists in making representations to us - to the Headteacher, Chair of Governors, designated governor or anyone else - this can be extremely time-consuming and can detract from our responsibility to look after the interests of all the children in its care. In the case of vexatious or persistent complaints, we will inform the complainant that the procedure has been exhausted and that the matter is now closed.
- ✦ For this reason, we are entitled to close correspondence (including personal approaches, as well as letters and telephone calls) on a complaint where it is felt that all reasonable action has been taken to resolve the complaint.
- ✦ In exceptional circumstances, closure may occur before a complaint has reached Stage 3 of the procedures described in this document. This is because a complaints panel takes considerable time and effort to set up and we must be sure that it is likely to assist the process of investigating the complaint.

The Chair of Governors may decide, therefore, that every reasonable action has been undertaken to resolve the complaint and that a complaints review panel would not help to move things forward.

- ✦ This does not, of course, prevent you from referring their complaint to the authority for a review of the way it has been handled, see Stage 4.

Stage 3 - Consideration by a complaints review panel

- If a concern has already been through Stages 1 and 2 and you are not happy with the outcome, the school may agree to set up a complaints review panel to consider it. This is a formal process, and the ultimate recourse at school level. The Chair of Governors has discretion to agree to this form of meeting where he or she feels it would be helpful in resolving the complaint. The purpose of this arrangement is to give a complaint a hearing in front of a panel of at least three people including governors and an independent

member who is independent of the management and running of the Trust, who all have no prior knowledge of the details of the complaint and who can, therefore, consider it without prejudice. **Where it is not possible (or deemed to be inappropriate) to provide panel members from the complainant's school, a panel member(s) can be sought from other schools within the Multi-Academy Trust.**

- The purpose of this arrangement is to give your complaint a hearing in front of a panel of governors who have no prior knowledge of the details of the complaint and who can, therefore, consider it without prejudice.
- The aim of a complaints review panel is to resolve the complaint and to achieve reconciliation between the school and the parent. We recognise, however, that it may sometimes only be possible to establish facts and make recommendations which will reassure you that we have taken your complaint seriously.

The complaints review panel operates according to the following formal procedures:

1. The clerk to the governing body will aim to arrange for the panel meeting to take place within **20 working days from receipt of the written request**. The clerk will inform the parents, the Headteacher, any relevant witnesses and members of the panel by letter, of the date, time and place of the meeting. **However, where the complaint is received near the end of a school term, it may not be possible to convene a panel within the required time-frame.**
2. It is hoped that parents will feel comfortable with the meeting taking place in school, however alternative arrangements can be considered if deemed to be more appropriate.
3. The letter will explain what will happen at the panel meeting and the clerk will also inform the parents that they are entitled to be accompanied to the meeting. Whilst it is personal choice, it is usually best to involve someone in whom you have confidence, but who is not directly connected with the school. They are there to give you support, to witness the proceedings and to speak on your behalf, if they so wish.
4. When informing the parents of the review date, the clerk will ask you whether you wish to provide any **further written documentation** in support of your complaint. You can include witness statements, or ask witnesses to give evidence in person, if you wish. Such additional information must be provided to the clerk at least **10 working days** before the date of the panel review.
5. The Headteacher will be asked to prepare a **written report** for the panel. Other members of staff directly involved in matters raised in your complaint will also be asked to prepare reports or statements (these should all be made available initially to the clerk).
6. Relevant correspondence, reports and documentation about the complaint will be sent by the clerk to all parties with an enquiry as to whether the parent or school representative(s) wish to submit further written evidence to the panel in response to any new information received from either party. Any such newly disclosed information must be forwarded to the clerk **within 5 working days of the meeting**, to allow for exchange between parties. All parties must have any additional documents at least 3 days before the meeting.
7. With the agreement of the chair of the panel, the Headteacher may invite **members of staff** directly involved in matters raised by you to attend the meeting,
8. The chair of the panel will bear in mind that the formal nature of the meeting can be intimidating for you and will do his or her best to **put you at your ease**.
9. As a general rule, no evidence or witnesses **previously undisclosed** should be introduced into the meeting by any of the participants. If either party wishes to do so, the meeting will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.
10. The chair of the panel will ensure that the meeting is properly **minuted**. Please understand that any decision to share the minutes with you, the complainant, is a matter for the panel's discretion and you do not have an

automatic right to see or receive a copy. Since such minutes usually name individuals, they are understandably of a sensitive and, therefore, confidential nature.

11. Normally, the written outcome of the panel meeting, which will be sent to you, should give you all the information you require. If, however, you feel that you would like to have a **copy of the minutes** it would be helpful if you could indicate this in advance. If the panel is happy for the minutes to be copied to you, the clerk can then be asked maintain confidentiality in the minutes.
12. During the meeting, you can expect there to be opportunities for:
 - you to explain your complaint;
 - you to hear the school's response from the Headteacher;
 - you to question the Headteacher about the complaint;
 - you to be questioned by the Headteacher about the complaint;
 - the panel members to be able to question you and the Headteacher;
 - any party to have the right to call witnesses (subject to the chair's approval) and all parties to have the right to question all witnesses;
 - you and the Headteacher to make a final statement.
13. In closing the meeting, the chair will explain that the panel will now consider its decision and that written notice of the decision will be sent to the Headteacher and yourself **within two weeks**. All participants other than the panel and the clerk will then leave.
14. The panel will then consider the complaint and all the evidence presented in order to:
 - reach a unanimous, or at least a majority, decision on the complaint;
 - decide on the appropriate action to be taken to resolve the complaint;
 - recommend, where appropriate, to the governing body changes to the school's systems or procedures to ensure that similar problems do not happen again.
15. The clerk will send to you and the Headteacher, a written statement outlining the decision of the panel **within two weeks**. The letter will explain that you are entitled to have the handling of the complaint reviewed by the ESFA under **Stage 4** of the procedures. That process is not strictly an appeal, as the ESFA cannot direct the governing body in most general complaints cases. It is, however, an opportunity to seek the view of an official third party and the outcome, including any recommendations may be helpful to you in seeking resolution of the complaint.
16. The school will keep a copy of all correspondence and notes on file in the school's records but separate from pupils' personal records.

Stage 4 - The role of the ESFA

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the ESFA using the schools online form. 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. However, it will look into:

- Whether there was undue delay, or the school did not comply with its own complaints procedure
- Whether the school was in breach of its funding agreement with the Secretary of State

- Whether the school has failed to comply with any other legal obligation

If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

Other sources of information and advice

If your concern is about an aspect of **special needs provision**, which might include information about relevant voluntary organisations and support groups in Essex, you might like to talk to the Parent Partnership team on their helpline: **01245 436036**.

Complaints from people who are not parents of attending pupils

If a complaint is made from a person who is not a parent then we will follow the same procedure as outlined above.

Anonymous complaints

We will not normally investigate anonymous complaints. However, the head teacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

Appendix 1

Complaints not in scope of the procedure

The complaints procedure covers all complaints about any provision of facilities or services that the school provides with the **exceptions** listed below, for which there are separate (statutory) procedures.

Exceptions

- Admissions to schools
- Statutory assessments of Special Educational Needs (SEN)
- School re-organisation proposals
- Matters likely to require a Child Protection Investigation

Who to contact

Concerns should be raised direct with local authorities (LA). For school admissions, the admissions authority is the Local Authority. Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.

- Exclusion of children from school

Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.

- Whistleblowing

Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.

- Staff grievances and disciplinary procedures

These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.

- 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

Our Policy for dealing with Unreasonable Complainants

Lee Chapel Multi-Academy Trust 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.

Lee Chapel Multi-Academy Trust defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'*.

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 complaints 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 the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the school.

Appendix 3
School Complaints Form

Please complete and return to Headteacher/Chair of Governors (depending on nature of complaint)

Name of complainant: Pupil's name (if relevant):

Your relationship to the pupil:

Address:

.....

Daytime telephone number: Evening telephone number:

Please give details of your complaint:

.....

.....

What action, if any, have you already taken to try to resolve your complaint? Who have you spoken to and what was the response?

.....

.....

What action 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 whom:

Complaint referred to:

Date:

Final Action agreed/taken:

Signature: Headteacher/Chair of Governors

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Review

This policy will be reviewed every year or sooner if required by Lee Chapel Multi Academy Trust.

Lee Chapel Multi Academy Trust Board agreed this policy on_____.

(Signed)_____ Dated_____
(Chair of Lee Chapel Multi Academy Trust)

Reviewed _____

Next review _____



Lee Chapel Multi-Academy Trust is a charitable company limited by guarantee and registered in England and Wales with company number 07673871.
The registered office is at Lee Chapel Primary School, The Knares, Basildon, Essex, SS16 5RU.