



**MARDEN PRIMARY ACADEMY**

*Where individuals matter*

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# Complaints Policy

Including managing serial and unreasonable complaints.

Date Approved by the Board of Governors	
Effective Period	1.1.25 – 1.1.27
Reviewer	Liz Orton
Next Review Date	December 27

## Marden Primary Academy

### Complaints Policy

#### Key Staff

Executive Headteacher	Mrs E Orton
Head of School	Mrs K Johnson
Chair of Governors	Mr Steve Miles

#### **Aims and Objectives**

Our school aims to be fair, open and honest when dealing with any complaint. We give careful consideration to all complaints and deal with them as swiftly as possible. We aim to resolve any complaint through dialogue and mutual understanding, and, in all cases, we put the interests of the child above all other issues.

When dealing with concerns or complaints, we uphold our school values and endeavour to provide an opportunity for any complaint to be discussed and then resolved.

#### **When responding to complaints we aim to:**

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

#### **Who can make a complaint?**

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Marden Primary Academy about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures), we will use this complaints procedure. For further information, please see the scope section of this policy.

#### **The difference between a concern and a complaint**

A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

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

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaint's procedure. Marden Primary Academy takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Executive Headteacher/Head of School will refer you to another staff member. Similarly, if

the member of staff directly involved feels unable to deal with a concern, the Executive Headteacher/Head of School will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Marden Primary Academy will attempt to resolve the issue internally, through the stages outlined within this complaint's procedure.

### **The Complaints Process**

If a parent is concerned about anything to do with the education that we are providing at our school, they should, in the first instance, discuss the matter with their child's class teacher. A mutually convenient time can be arranged very quickly. Most matters of concern can be dealt with in this way. All teachers work very hard to ensure that each child is happy at school and making good progress; they always want to know if there is a problem, so they can act before the problem seriously affects the child's progress.

Where a parent feels that a situation has not been resolved through contact with the class teacher, or that their concern is of a sufficiently serious nature, they should make an appointment to discuss it with the Head of School who may escalate this to the Executive Headteacher. **The Head of School considers concerns very carefully and investigates each case thoroughly, within 3 school days. Most school concerns are normally resolved at this stage.**

When a complaint has not been resolved through the normal channels, i.e. teacher, Head of School, Executive Headteacher, then the complaint may be made formal.

### **How to raise a concern or make a complaint**

A concern or complaint must be made in writing. They may also be made by a third party acting on behalf on a complainant, if they have appropriate consent to do so.

Complaints against school staff (except the Executive Headteacher/Head of School should be made in the first instance, to the Executive Headteacher/Head of School via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the Executive Headteacher/Head of School should be addressed to the Chair of Governors, via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of the Governing Body, any individual members or the whole Governing Body should be addressed to the Clerk for the Governing Body via the school 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 school office. You can also ask a third-party organization, for example like the Citizens Advice to help you.

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.

### **Roles and Responsibilities**

The complainant will:

- Follow these procedures

- Co-operate with the school throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed
- Treat all those involved with respect
- Not approach individual governors about the complaint
- Not publish details about the complaint on social media or other non-related parties

The investigator will:

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 Executive Headteacher or Chair of Governors, which includes the facts and potential solutions

### **Anonymous complaints**

We will not normally investigate anonymous complaints. However, Executive Headteacher or the Chair of the Governing Body, if appropriate, will determine whether the complaint warrants an investigation.

### **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 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.

### **Scope**

This procedure covers all complaints about any provision or services by Marden Primary Academy, other than complaints that are dealt with under other statutory procedures, including those listed below.

<b>Exceptions</b>	<b>Who to contact</b>
Admissions to schools	Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.  If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).
Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> *complaints about the application of the behaviour policy can be made through the school's complaints procedure.
Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.

	The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a> Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, we will inform you of a proposed new timescale.

If a complainant commences legal action against Marden Primary Academy relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

### **Resolving complaints**

At each stage in the procedure, Marden Primary Academy wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

### **Withdrawal of a complaint**

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

### **Stages of complaint**

#### **Stage 1 – Informal resolution**

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 or Head of School or Executive Headteacher. 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 3 of the procedure.

At the conclusion of their investigation, the appropriate person investigating the complaint will where possible provide an informal response within 7 – 10 school days of the date of receipt of the complaint.

If the issue remains unresolved, the next step is to make a formal complaint for investigation.

## **Stage 2 – Formal investigation**

Formal complaints must be made to the Headteacher/Head of School (unless they are about the Executive Headteacher/Head of School), via the school office. This must be in writing (preferably on the Complaint Form).

The Executive Headteacher/Head of School will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

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

*Note: The Executive Headteacher/Head of School may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.*

During the investigation, the Executive Headteacher/Head of School (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 Executive Headteacher/Head of School will provide a formal written response, where possible within 30 school days of the date of receipt of the complaint.

If the Executive Headteacher/Head of School 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 Marden Primary Academy will take to resolve the complaint.

The Head of School will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about the Executive Headteacher/Head of School, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled Trustee of the HMFA will be appointed to complete all the actions at Stage 2.

## **Stage 3 – Panel Hearing**

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – 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 school. This is the final stage of the complaint's procedure.

A request to escalate to Stage 3 must be made to the Chair of Governors via the school office, within 5 school days of receipt of the Stage 2 response.

The Chair of Governors will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

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

The Chair of Governors will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 7 school days of receipt of the Stage 2 request. If this is not possible, the Chair of Governors will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Chair of Governors 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
- the majority of the Governing Body

Stage 3 will be heard by the Executive Headteacher, Chair of Governors and an independent panel member (the committee).

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 school 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 complaint's procedure. Complainants will be advised that any staff conduct complaints will be considered under the 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 school days before the meeting, the school 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 5 school days before the meeting.

Any written material will be circulated to all parties at least 4 school 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 school's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and the Governing Board with a full explanation of their decision and the reason(s) for it, in writing, within 20 school days.

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 Pencombe CofE School 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 school premises by the proprietor and the Executive Headteacher/Head of School.

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.

### **Next Steps**

If Complainant not satisfied – Complainant will be informed that their only further courses of action are to complain to the:

- a. Local Education Authority
- b. Local Government Ombudsman
- c. Secretary of State

### **Monitoring and Review**

The Governors monitor the complaints procedure, in order to ensure that all complaints are handled correctly.

Governors take into account any local or national decisions that affect the complaints process, and make any modifications necessary to this policy. This policy is available to all parents, so that they can be properly informed about the complaints process.

### **Unreasonable and persistent complaints**

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Refuses to follow or co-operate with the complaints investigation process
- Refuses to accept that certain issues are not within the scope of the complaint's procedure
- 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
- 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 ESFA



- Seeks an unrealistic outcome
- Makes excessive demands on school 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
- Uses threats to intimidate
- Uses abusive, offensive or discriminatory language or violence
- Publishes unacceptable information on social media or other public forums

Please note: the above list is not intended to be exhaustive and is for guidance purposes only. It is at the discretion of the school what is deemed to be unreasonable.

Complainants should try to limit their communication with the school while the 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.

### **Steps we will take**

We will take every reasonable step to address the complainant's comments, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

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 Head of School/Executive Headteacher will write to the complainant explaining that their behaviour is unreasonable, refer them to this policy and remind them to act in accordance with it.

For complainants who excessively contact the school causing a significant level of disruption, we may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as Citizens Advice
- Put any other strategy in place as necessary

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from school premises and ensuring appropriate measures of support are provided to staff where they are the subject of aggression and/or violence.

### **Serial/persistent complaints**

If the complainant contacts the school again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent'. We may stop responding to the complainant when the following conditions are met:

- We have taken every reasonable step to address the complainant's concerns
- The complainant has been given a clear statement of our position and their options
- The complainant contacts the school repeatedly, making substantially the same points each time
- The case to stop responding is stronger if:
- The complainant's communications are often or always abusive or aggressive

- The complainant makes insulting personal comments about or threats towards staff
- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience

Where we decide to stop responding, we will inform the individual that we intend to do so. We will also explain that we will consider any new complaints they make provided the concerns raised are materially different to those raised previously and/or are unconnected to the previous concern

### **Duplicate complaints**

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

### **Complaint campaigns**

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all of the complainants

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

## Appendix 1: Complaint Form

Please complete and return to the Executive Headteacher/Head of School/Clerk to the Governing Body via the school office. Please put in an envelope marked private and confidential.

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

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 acknowledgment sent:

By whom:

Complaint referred to:

Action taken:

Date: