



**Learners today - Leaders tomorrow**

**Hatfield Heath, Roseacres and Takeley Primary Schools**

## **Complaints Policy**

Chair of the Trust Board of Directors: Mrs D Hancock

Chief Executive Officer of The Learning Partnership Trust: Mr J Clements

Head teachers : Mrs I Barron  
Ms G Doyle  
Mr J Clements

Chairs of Local Governing Bodies: Hatfield Heath – Mrs D Hancock  
Roseacres – Dr I Gilchrist  
Takeley – Mrs D Hancock

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## The Learning Partnership Trust (TLPT – the ‘Trust’)

# Complaints Policy

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 generally defined as ‘*an expression of dissatisfaction however made, about actions taken or not taken*’.

There are times when complainants would like to raise their concerns formally. In these cases the school’s formal procedure should be invoked through the stages outlined in this policy.

## 1. Introduction

- 1.1. We believe that our schools provide a good education for all our children and that the Chief Executive Officer (CEO), Head teachers, Directors, Local Governing Bodies (LGB) and all staff work very hard to build positive relationships with all families. Sometimes the educational journey does not run smoothly and concerns or worries can arise that need investigating and resolving. Sometimes this can be done quickly and informally but at other times it may need a deeper view, discussion and action. The Trust is obliged to have procedures in place in case of complaints. The following policy sets out the procedure that the schools follow in such cases.
- 1.2. If any complainant is unhappy with the education that their child is receiving, or has any concern relating to the school, we encourage that person to talk to the child’s class teacher immediately. It may be best that an appointment is made so that all parties can give quality time to seeking understanding and agreeing a way to go forward together. The full process is set out below and at all times we aim to listen well, understand, engage and work in partnership with families and bring the concern to a quick resolution.
- 1.3. We respect people’s desire for confidentiality. In line with this, where confidentiality is requested, we may anonymise the issue and share with key leaders so that we, the Trust, can learn from it and improve.
- 1.4. After exhausting all stages in section 3, if families still feel that their complaint has not been properly addressed they have the right, as a last resort, to appeal to the Education Funding Agency (EFA); see 3.7 for further details.
- 1.5. We expect that ALL complaints will be taken seriously and will be dealt with comprehensively and as far as possible in confidence.
- 1.6. We expect all complainants to behave in a responsible and appropriate manner. Please see associated expectations at the end of the policy.

## 2. Aims and objectives

- 2.1. Our schools aim 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. We provide sufficient opportunity for any complaint to be fully discussed and then resolved.

### 3. The complaints process

- 3.1. If a complainant is concerned about anything to do with the education that we are providing at one of our schools, they should, **in the first instance, discuss the matter with their child's class teacher**. In our experience we find that 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 is making good progress. They always want to know if there is a problem, so that they can take appropriate action before the problem seriously affects the child's progress.
- 3.2. Where a complainant 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 school's Head teacher**. The Head teacher considers any such complaint very seriously and investigates each case thoroughly. Most complaints are normally resolved at this stage.
- 3.3. If a complainant continues to feel that the situation has not been dealt with, they should then **write formally to the School's Chair of Governors**. The template in Appendix 3 may help frame your response.
- 3.4. Only if the complaint fails to be resolved satisfactorily at class teacher, Head teacher and Local Governing Body level will it then, if wished by the complainant, be **taken to the Board of Directors**. This complaint must be made in writing, stating the nature of the complaint and how the school has handled it so far. The complainant should send this written complaint to the Chair of the Board of Directors. If there is a conflict of interest here then the Vice-Chair of Directors will take responsibility. The Trust is aware of its obligations under the Equality Act 2010 and if, due to disability or learning difficulty, another method of communication serves best then this can be allowed. Again, Appendix 3 has a template to help frame the submission.
- 3.5. Should the complaint be about the Head teacher, the complainant should first approach the School's Chair of Governors, who is obliged to investigate. The Chair of Governors will do all that they can to resolve the issue through a dialogue with the school, but if a complainant is unhappy with the way the investigation has been conducted, they can make a formal complaint, as outlined below.
- 3.6. Complaints against the Chair of Governors or any individual governor should be made in writing to the Clerk to the Governing Body and handed in at the school.
- 3.7. The Board of Directors must consider all the written evidence submitted within three weeks of receipt. The Board arranges a meeting to discuss the complaint and invites the person making it to attend the meeting so that they can explain their complaint in more detail. The CEO is also invited to attend. The panel will consist of at least three people who were not directly involved in the matters detailed in the complaint. There will also be an independent panel member present who has no connection with the running of the schools. At least three days' notice of the meeting will be given to the complainant.

- 3.8. After hearing all the evidence the Board of Directors considers their decision and informs the complainant in writing of that decision. A copy of the panel's findings is available for inspection on the school premises by the Board of Directors and the Head teacher.
- 3.9. A written record of all formal complaints communications will be kept, whether they are resolved following a formal procedure or proceed to a panel hearing. In addition, a written record will be kept of action taken by the school as a result of a formal complaint, regardless of whether or not the complaint was upheld. The school will ensure that correspondence, statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or an inspection body requests access to them.

We utilise the good advice from the Local Authority – Essex, the DfE and EFA. **If any complainant is still not satisfied that the complaint has been dealt with properly, then they are entitled to appeal to the EFA:**

Initial complaints about institutions funded by EFA can be made on the 'Contact Us' form on the EFA website:

<https://www.education.gov.uk/help/contactus/efa>

They can also be made in writing to:

Ministerial Public Communications Division  
Department for Education  
Piccadilly Gate  
Store Street  
Manchester M1 2 WD

During any part of the complaints process, complainants have the right to be accompanied by a friend or supporter. Where possible, the name of the person supporting the complainant should be given to the school as soon as possible.

#### **4. Monitoring and review**

- 4.1. The Board of Directors monitors the complaints procedure in order to ensure that all complaints are handled properly. The Head teacher of each school discusses all complaints received by the school with the Chair of the LGB and/or the CEO as required, depending on the nature of the complaints and actions taken to resolve them.
- 4.2. The Board of Directors takes into account any local or national decisions that affect the complaints process and make any modifications necessary to this policy. This policy is made available to all complainants so that they can be properly informed about the complaints process.

Original Policy July 2016 - This Policy was updated February/March 2017, circulated to staff w/b 13/3/17 with Director ratification 22<sup>nd</sup> March, 2017. The next full review March 2019.

# Appendix I

## Complaints not in the scope of this procedure

The complaints procedure cover 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
  
- Exclusion of children from school
  
- Whistleblowing
  
- Staff grievances and disciplinary procedures
  
- Complaints about services provided by other providers who may use school premises or facilities.

### 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.

Further information about raising concerns about exclusion can be found at: [www.gov.uk/school-discipline-exclusions/exclusions](http://www.gov.uk/school-discipline-exclusions/exclusions). The Trust Policy is available on the school's website and from the school office.

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](mailto: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.

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

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, Serial or Persistent Complainants

Each school in the Trust and the trust itself 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 and take guidance from the DfE document Best Practice Advice for Complaints Procedures 2016 and legal services. 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.

The 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 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 Head teacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Head teacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively cause 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.

**5.** 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. Ultimately, if a complainant persists to the point where the school considers it to constitute harassment, legal advice will be sought as to the next steps. This may include lawfully banning an individual/s from entering the school or grounds or allowing entry only at specified times under specified rules or expectations. In some cases, injunctions and other court orders can be issued due to the complainant's behaviour. We have not in the past, and will not in the future, permit our staff to be abused, threatened or made fearful and we certainly will not accept risk to our children of being witness to such behaviours.

## Appendix 3 - Complaints Form

Please complete and return to the school office. Please use additional paper if needed.

<p>Name: Pupil's name (if relevant): Your relationship to the pupil: Address:</p> <p>Daytime telephone number: Evening telephone number:</p> <p>Please give details of your complaint:</p> <p>What action if any, have you already taken to try to resolve your complaint?</p> <p>Continued/</p>
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What action do you feel might resolve the problem at this stage?

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

Signature:

Date:

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Official use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

Final action agreed/taken:

Signature:

Name:

Designation:

## Appendix 4 Complaints Policy Process Summary\*

Appropriate person or body	Response time
<b>Stage 1:</b> class teacher	immediately / appointment time mutually agreed
<b>Stage 2:</b> head teacher	written complaints: acknowledgement within <b>24 hours</b> of receipt; full response or holding reply, <b>within 10 working days.</b> +
<b>Stage 3:</b> Chair of Governors	
<b>Stage 4:</b> Trust Board of Directors	written complaints three working weeks+
<b>Stage 5:</b> DfE (SCU)/ EFA	Further information can be obtained from the School Complaints Unit (SCU) by calling the National Helpline on 0370 0002288, or by writing to the:  Ministerial Public Communications Division Department for Education Piccadilly Gate Store Street Manchester M1 2 WD
EFA	'Contact Us' form on the EFA website: <a href="https://www.education.gov.uk/help/contactus/efa">https://www.education.gov.uk/help/contactus/efa</a>

\*Note: Refer to the Complaints Policy for full details.

Appendix 1 should be referred to which covers the complaints not in the scope of this procedure.

Appendix 2 should be referred to in relation to dealing with unreasonable, serial or persistent complaints.

+It is not usually possible to deal with complaints during school holiday periods when the school is closed.