



Acorn
Education Trust



**The Avenue
Primary
School**
& Children's Centre

The Avenue Primary School and Children's Centre Complaints procedure

*Used in conjunction with: Acorn Education Trust Policy for Dealing with Vexatious
Correspondence and Complaints*

| | |
|-----------------------|--------------|
| Person responsible | Sara Edwards |
| Approved by directors | |
| First written | |

| For review | Review | Signature |
|------------|-----------|--------------|
| July 2023 | Completed | Sara Edwards |
| July 2024 | | |
| July 2025 | | |
| July 2026 | | |
| July 2027 | | |

All policies are renewed annually. If no change then just signed. If an amendment or full change is required, this is recorded.

1. Aims

Our school aims to meet its statutory obligations when responding to complaints from parents of pupils at the school, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial;
- Facilitate a full and fair investigation by an independent person or panel, where necessary;
- Address all the points at issue and provide an effective and prompt response;
- Respect complainants' desire for confidentiality;
- 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.

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will make sure we publicise the existence of this policy and make it available on the school website.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

2. Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to the Education (Independent School Standards) Regulations 2014, which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on creating a complaints procedure that complies with the above regulations, and refers to good practice guidance on setting up complaints procedures from the Department for Education (DfE).

This policy complies with our funding agreement and articles of association.

In addition, it addresses duties set out in the Early Years Foundation Stage statutory framework with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

3. Definitions and scope

3.1 Definitions

The DfE guidance explains the difference between a concern and a complaint:

- A concern is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”.
- A complaint is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.

3.2 Scope

The Trust intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does **not** cover complaints procedures relating to:

- Admissions;
- Statutory assessments of special educational needs (SEN);
- Safeguarding matters;
- Suspension and permanent exclusion;
- Whistle-blowing;
- Staff grievances;
- Staff discipline;
- Withdrawal from the curriculum (parents and carers can withdraw their child from any aspect of religious education, including the daily act of collective worship. They do not have to explain why).

Please see our separate policies for procedures relating to these types of complaint.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

There may be occasions when it is necessary to deviate from the complaints procedure if this is reasonable and justified, subject to the Trust continuing to meet the statutory requirements under item 7 of the Education (Independent School standards) regulations 2014.

Withdrawal of a complaint

If a complainant wishes to withdraw their complaint, they must do so in writing to the Governance Adviser via email: zas@acorneducationtrust.com and will not be able to raise the specific complaint again.

4. Roles and responsibilities

4.1 The complainant

The complainant will get a more effective and timely response to their complaint if they:

- 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;

- Do not publish details about the complaint on social media.

4.2 The investigator

An individual will be appointed to look into the complaint and establish the facts. They will:

- Interview all relevant parties, keeping notes;
- Consider records and any written evidence and keep these securely;
- Prepare a comprehensive report to the headteacher, CEO or complaints committee, which includes the facts and potential solutions.

4.3 The complaints co-ordinator

The complaints co-ordinator can be:

- The headteacher, CEO or Executive headteacher;
- A member of the Academy Council or Director;
- Any other staff member providing administrative support.

The complaints co-ordinator will:

- Keep the complainant up to date at each stage in the procedure;
- Make sure the process runs smoothly by liaising with staff members, the headteacher, Chair of Academy Council Governors, Governance Adviser and CEO and Chair of Directors.

Be aware of issues relating to:

- Sharing third party information;
- Additional support needed by complainants, for example interpretation support or where the complainant is a child or young person;
- Keep records.

4.4 Trust Governance Adviser

The Governance Adviser will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings;
- Arrange the complaints hearing;
- Convene the panel at Stage 3;
- Record and circulate the minutes and outcome of the hearing;
- Ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR).

4.5 Complainant Panel Chair

The committee chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR, and all parties understand the purpose of the committee, and are allowed to present their case

4.6 Members of the Complainant Panel

The complainant panel should be aware that:

- The meeting must be independent and impartial, and should be seen to be so;
- No governor/trustee may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it;
- Extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting:
 - The committee should respect the views of the child/young person and give them equal consideration to those of adults;
 - If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint;
 - Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend;
 - However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.
- The welfare of the child/young person is paramount.

5. Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened;
- Who was involved;
- What the complainant feels would put things right.

5.1 Time scales

The complainant must raise the complaint within three months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within three months of the last incident.

We will consider exceptions to this timeframe in circumstances where there were valid reasons for not making a

complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period.

If at any point we cannot meet the timescales we have set out in this policy, we will:

- Set new time limits with the complainant;
- Send the complainant details of the new deadline and explain the delay.

5.2 Complaints about our fulfilment of early years requirements

We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint (see section 10) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4666, or by emailing:

enquiries@ofsted.gov.uk. An online contact form is also available at:
<https://www.gov.uk/government/organisations/ofsted#org-contacts>.

We will notify parents and carers if we become aware that the school is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

6. Stages of complaint (not complaints against the headteacher, Executive headteacher, CEO or AC Governors or Board of Trustees)

6.1 Stage 1: informal

All schools and nurseries in Acorn Education Trust take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the headteacher, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office by email: (admin@avenue.wilts.sch.uk) or phone: (01985 213383).

The school will acknowledge informal complaints within two school days, and investigate and provide a response within 15 school days.

The informal stage will involve a meeting between the complainant and the relevant member of staff, and/or headteacher, member of AET central team.

If the complaint is not resolved informally, it will be escalated to a stage 2 formal complaint.

6.2 Stage 2: formal

The formal stage involves the complainant putting the complaint, via the school office, to the headteacher and/or the subject of the complaint:

- In a letter or email;
- In person.

The complainant should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

If the complaint is about the headteacher please refer to section 7 of this policy.

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

The headteacher (or other person appointed by the headteacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 15 school days.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the Governance Adviser in writing within 7 school days of receiving the written conclusion, via email: zas@acorneducationtrust.com or via the school office. The complainant must set out their continued concerns and specify the resolution sought.

6.3 Stage 3: review panel

Convening the review panel

Complaints will be escalated to the review panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage. This is the final stage of the complaints procedure.

The school may produce a further response to the continued concerns identified by the complainant, and will do so within seven school days of receipt of the complainant's notification of their wish to proceed to Stage 3.

The panel will be appointed by or on behalf of the Trust and must consist of at least three people who were not directly involved in the matters detailed in the complaint. At least one panel member must be independent of the management and running of the school. The panel cannot be made up solely of the school's own Academy Council Governors, as they are not independent of the management and running of the school, however it may include members of other Academy Council (who are also deemed by the DfE to be appropriate independent persons).

The panel will have access to the existing record of the complaint's progress (see section 10).

The panel will review the process of the Stage 2 investigation and existing materials. The panel will not review any new complaints at this stage or consider evidence unrelated to the initial complaint. The panel **will not** re-investigate the complaint but may question the parties on matters it considers relevant.

All parties must have reasonable notice of the date of the review panel. The Governance Advisor will aim to find a date within 15 school days of the request, where possible.

If the complainant rejects the offer of three proposed dates without good reason, the Governance Advisor will set a date. The hearing will go ahead using any written submissions from both parties, but those able to attend the hearing will be able to as the panel may wish to ask questions.

In the event of the complainant not attending the panel hearing, the panel will proceed and, in these circumstances, will consider the complaint in the absence of the complainant and issue the outcome within five school days to all parties.

Any written material will be circulated to all parties at least three school days before the date of the meeting.

At the meeting

- 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 will be sought before meetings or conversations take place. Consent will be recorded and any minutes taken.
- If the panel considers it expedient and in the interests of justice it may offer to convene the hearing by video conference. This may only happen if all parties agree and are able to access appropriate technology. If the video conference technology does not work then the panel will reconvene for an in-person hearing.
- The complainant may attend the panel hearing and may bring someone with them to provide support, if they wish. Legal representation is not allowed.
- Representatives from the media are not permitted to attend.
- At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present.
- Each will have an opportunity to set out written submissions prior to the meeting. These will form part of the documentation circulated to all parties prior to the hearing. (No new evidence/information can be brought to the hearing, everything must be seen by both parties beforehand).
- At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence. Please note, the panel is unable to compel witnesses to attend.
- The panel hearing is not a legal process and the complaint panel shall be under no obligation to hear in person, by phone or video call evidence from witnesses but may do so and/or may take written statements into account. Such statements must be part of the documentation circulated to all parties prior to the hearing.
- The panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.
- The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the Trust and headteacher.

The outcome

The committee can:

- Uphold the complaint, in whole or in part;
- Dismiss the complaint, in whole or in part.

If the complaint is upheld, the committee will:

- Decide the appropriate action 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 review panel will inform the complainant and the school of the decision in writing within five school days. The decision of the panel is final. There will be no further opportunity within the Academy Trust for consideration of the complaint. The completion of stage 3 represents the conclusion of the Acorn Education Trust complaint procedure.

7. Complaints against the headteacher, Executive headteacher, CEO and Academy Council Governor or the Board of Trustees

The information below is taken from the DfE and ESFA model complaints procedures for single academies and multi-academy trusts.

7.1 Stage 1: informal

Complaints made against the headteacher, an Executive headteacher, CEO or any member of the Academy Council or Board of Trustees should be directed to the Governance Adviser in the first instance, via email: zas@acorneducationtrust.com.

If the complaint is about the headteacher, one Executive headteacher or one member of the Academy Council (including the chair or vice-chair), the CEO or an Executive headteacher will carry out the steps at Stage 1 and 2 (set out in section 6 above).

At Stage 3 a panel of Trustees, including one independent person will convene, co-ordinated by the Governance Adviser.

7.2 Stage 2: formal

If the complaint is:

- About the CEO;
- Jointly about the chair and vice-chair of the Academy Council or Board of Trustees;
- The entire Academy Council; or
- The majority of the Board of Trustees.

An independent investigator will carry out the steps in Stage 2 (set out in section 6 above). They will be appointed by the Board of Trustees and will write a formal response at the end of their investigation.

7.3 Stage 3: review panel

If the complaint is:

- About the CEO;
- Jointly about the chair and vice-chair of the Academy Council or Board of Trustees;
- The entire Academy Council; or
- The majority of the Board of Trustees.

A committee of independent persons will hear the complaint. They will carry out the steps at Stage 3 (set out in section 6 above).

8. Referring complaints on completion of the school's procedure

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the Education and Skills Funding Agency (ESFA). 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, but will intervene if a school or trust has:

- Breached a clause in its funding agreement;
- Failed to act in line with its duties under education law;
- Acted (or is proposing to act) unreasonably when exercising its functions.

If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

We will include this information in the outcome letter to complainants.

9. Persistent complaints

9.1 Unreasonably persistent complaints

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

- Has made the same complaint before, and it's already been resolved by following the school's complaints procedure;
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive;
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure, beyond all reason;
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the timeframes it sets out;
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time;
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value.

Steps we will take

We will take every reasonable step to address the complainant's concerns, 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.

If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. We may:

- Implement the Vexatious Policy;
- 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.

Stopping responding

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns;
- We have provided a clear statement of our position and their options;
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience;
- Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

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 our school site.

9.2 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.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and that the local process is complete;
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint;
- If there are new aspects, we will follow this procedure again.

9.3 Complaint campaigns

For the purpose of this policy, a complaint campaign is defined as a complaint from three or more individuals about the same topic or subject. 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, however the school may determine to hold a single panel hearing and manage that hearing as it considers reasonably appropriate.

10. Record keeping

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and our record retention schedule.

The details of the complaint, including the names of individuals involved, will not be shared with the whole Academy Council/Board of Trustees in case a review panel needs to be organised at a later point.

Where the Academy Council/Board of Trustees is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.

11. Learning lessons

The Academy Council/Board of Trustees will review any underlying issues raised by complaints with the CEO where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

12. Monitoring arrangements

The Board of Trustees will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly. The Board of Trustees will track the number and nature of complaints, and review underlying issues as stated in section 11.

The complaints records are logged and managed by each headteacher and the CEO and Governance Adviser is informed.

This policy will be reviewed by CEO every three years.

At each review, the policy will be approved by the Board of Trustees.

13. Links with other policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures;
- Admissions policy;
- Suspension and permanent exclusion policy;
- Staff grievance procedures;
- Staff disciplinary procedures;
- SEN policy and information report;
- Privacy notices;
- Vexatious policy.

Complaint Form

Please complete and return to Donna McInnes / Zoe Stockley / Nick Whyte (*Headteacher/ Clerk/complaints co-ordinator / Designated governor – delete as appropriate*) who will acknowledge receipt and explain what action will be taken.

| |
|--|
| 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 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 acknowledgement sent:

By who:

Complaint referred to:

Action taken:

Date: