



Kings
Education
Trust



COMPLAINTS POLICY & PROCEDURE

APPROVED: SEPTEMBER 2022

REVIEW: SEPTEMBER 2024

This policy applies to all Academies within Kings Education Trust.

Key persons

| Role | Name |
|---------------------------------------|---|
| Chair of Trustees | Nick Wilson |
| Executive Headteacher/CEO | Jo Garlick |
| Chair of the Local Advisory Committee | Jo Pearce |
| Headteacher | Daniel Atherton |
| Deputy Headteacher | Colleen Duggan |
| Phase Leaders | Nursery & Reception – Mrs Trevathan Years 1, 2 & 3 – Mrs Bain Years 4, 5 & 6 – Mr Waters |

1. 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 Waterside Primary Academy about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

2. 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/s’***.

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 complaints procedure. Kings Education Trust and each individual academy takes concerns seriously and will make every effort to resolve the matter as quickly as possible. Concerns should be raised within 5 school days with either the class teacher or leadership team. If the issue remains unresolved, the next step is to make a formal complaint. We follow DfE guidance which recommends that complaints are lodged within 3 months of the initial issue occurring.

Complainants should not approach individual Local Advisory Committee members to raise concerns or complaints. Local Advisory Committee members have no power to act on an individual basis and it may also prevent them from considering complaints at later stages of the procedure.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the headteacher or their representative, will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, they 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, Waterside Primary Academy will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

3. How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

Complaints against school staff (except the head teacher) should be made in the first instance, to the Headteacher via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the head teacher should be addressed to the Chair of Local Advisory Committee, via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of Local Advisory Committee, any individual Local Advisory Committee member or the whole Local Advisory Committee should be addressed to **The Executive Headteacher/CEO**, via the school office. Please mark them as Private and Confidential.

Complaints about the **Chief Executive Officer (CEO) or a trustee of the Trust**, should be addressed to the **Chair of Trustees, via** the trust 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 organisation 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.

4. Anonymous complaints

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

5. 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.

6. 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.

7. Scope of this complaints procedure

This procedure covers all complaints about any provision of community facilities or services by Waterside Primary Academy or Kings Education Trust, other than complaints that are dealt with under other statutory procedures, including those listed below.

| Exceptions | Who to contact |
|--|--|
| <ul style="list-style-type: none">Admissions to schools | Concerns about admissions should be handled through a separate process –through the appeals process via the local authority. |
| <ul style="list-style-type: none">Matters likely to require a Child Protection Investigation | <p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>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). Allegations against Staff or Volunteers (LADO) Buckinghamshire Council (buckscc.gov.uk)</p> |
| <ul style="list-style-type: none">Exclusion/Suspensions of children from school* | <p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p> <p><i>*complaints about the application of the behaviour policy (available on the school website) can be made through the school's complaints procedure.</i></p> |
| <ul style="list-style-type: none">Whistleblowing | <p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. A copy is available from the school office or the Headteacher.</p> <p>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: www.education.gov.uk/contactus.</p> <p>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.</p> |

| | |
|--|--|
| <ul style="list-style-type: none"> • Staff grievances | Complaints from staff will be dealt with under the school's internal grievance procedures. A copy is available from the headteacher or the school office. |
| <ul style="list-style-type: none"> • Staff conduct | <p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>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.</p> |

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 Waterside Primary Academy in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

8. Resolving complaints

At each stage in the procedure, Waterside 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.

9. Withdrawal of a complaint

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

10. Stage 1 – Informal complaints

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, phase leader / deputy headteacher or the headteacher. Complainants should not approach individual Local Advisory Committee members 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 provide an informal written response within 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.

11. Stage 2 – Formal complaints

Formal complaints must be made to the head teacher (unless they are about the head teacher), via the school office. This may be done in person or in writing (*Using the Complaint Form – Appendix A*).

The head teacher 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 head teacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The head teacher can consider whether a face to face meeting is the most appropriate way of doing this.

Note: The head teacher may delegate the investigation to another member of the school's leadership team but not the decision to be taken.

During the investigation, the head teacher (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 head teacher will provide a formal written response within fifteen school days of the date of receipt of the complaint.

If the head teacher 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 Waterside Primary Academy will take to resolve the complaint.

The head teacher 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 head teacher, a suitably skilled Local Advisory Committee Member will be appointed to complete all the actions at Stage 2.

Complaints about the Chair, Vice-Chair or another member of the Local Advisory Committee must be made to the **CEO**, via the school office.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Local Advisory Committee or

- the majority of the Local Advisory Committee

Stage 2 will be escalated to the CEO of the Trust.

12. 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 complaints procedure.

A request to escalate to Stage 3 must be made to the **CEO**, via the school office, within 10 school days of receipt of the Stage 2 response.

The **CEO** 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 **CEO** will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 school days of receipt of the Stage 3 request. If this is not possible, the CEO will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the CEO 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 Local Advisory Committee or
- the majority of the Local Advisory Committee

Stage 3 will be heard by the trustees and an independent panel member.

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 complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under (Human Resources) staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend. At least seven school days before the meeting, the CEO 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 5 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 Waterside Primary Academy with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by Waterside Primary Academy.

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 Waterside Primary Academy 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 head teacher.

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.

13. Complaints escalated to / about the Trust, CEO or Trustee

If a complaint is escalated to Kings Education Trust ("the Trust") or if a complainant wishes to complain directly about the Trust, then the complaint should be sent to the **CEO** to be investigated.

The **CEO** will write to the complainant acknowledging the complaint within 5 **school days** of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated under Stage 2 of this Complaints Policy and will confirm the date for providing a response to the complainant.

Following the investigation, the **CEO** will write to the complainant confirming the outcome within ten school days of the date that the letter was received. If this time limit cannot be met, the **CEO** will write to the Complainant within seven days of the date that the letter was received, explaining the reason for the delay and providing a revised date.

If the complaint concerns the CEO or a Trustee, the complaint should be investigated by the **Chair of the Trust Board**. If a formal complaint form is received about the Chair, the complaint will be referred to the Vice Chair for investigation.

*NB. Where the **Chair of the Trust Board** has investigated the complaint, they will write the letter of outcome to the Complainant and provide a copy to the **CEO**.*

If the complainant is not satisfied with the outcome of the previous stage, the complainant should write to the **Clerk to the Trust Board** asking for the complaint to be heard before a Complaint Panel, within ten school days.

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

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

The **Clerk** will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 school days of receipt of the Stage 3 request. If this is not possible, the clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the **Clerk** 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 trust board or
- the majority of the trust board

Stage 3 will be heard by a completely independent committee panel.

The Complaint Panel will consist of three members. None of the three members of the Complaint Panel will have been involved in the incidents or events which led to the complaint, or have been involved in dealing with the complaint in the previous stages, or have any detailed prior knowledge of the complaint.

One of the Complaint Panel members will be independent of the management and running of the Academy Trust. This means that the independent Complaint Panel member will not be a Trustee or an employee of the Trust.

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 trust 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 complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under 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 Clerk 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 5 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 Kings Education Trust with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by Kings Education Trust.

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 Kings Education Trust 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 head teacher.

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.

14. Next Steps

If the complainant believes the school / trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed Stage 3.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by Kings Education Trust. They will consider whether Waterside Primary Academy/Kings

Education Trust has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).

The complainant can refer their complaint to the ESFA online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight
Unit Education and Skills Funding Agency
Cheylesmore House
5 Quinton Road
Coventry
CV1 2WT

The role of ESFA

It is the responsibility of academies to make sure that their complaints procedure is fully compliant. The ESFA will ensure academies comply with their funding agreements. If a complaint comes to us we will check whether the complaint has been dealt with properly by the academy.

We will consider complaints about academies that fall into any of the following three areas:

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

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

If the academy's complaints procedure does not meet the regulations, we will ask the academy to put this right.

We may seek to enforce our decision under the terms of the funding agreement on behalf of the Secretary of State.

15. Serial or Persistent Complaints

Unfortunately, in a small minority of cases, people pursue their complaints in a way which can either impede the investigation of their complaint or can have significant resource issues for the school.

These actions can occur either while the complaint is being investigated, or once the school has concluded the complaint investigation. In such cases, the school will follow advice from the Department for Education and the Local Government Ombudsman.

There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. If a complainant tries to re-open the same issue, the school can inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts the school again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent' and the school may choose not to respond.

The school may receive complaints they consider to be vexatious. The Office of the Independent Adjudicator defines the characteristics of a 'frivolous' or 'vexatious' complaint as:

- complaints which are obsessive, persistent, harassing, prolific, repetitious
- insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
- insistence upon pursuing meritorious complaints in an unreasonable manner
- complaints which are designed to cause disruption or annoyance
- demands for redress that lack any serious purpose or value

The school will not refuse to accept further correspondence or complaints from an individual they have had repeat or excessive contact with. The application of a 'serial or persistent' marking should be against the subject or complaint itself rather than the complainant.

16. When to stop responding

The decision to stop responding is never taken lightly. The school will be able to say yes to all of the following:

- they have taken every reasonable step to address the complainant's concerns
- the complainant has been given a clear statement of the school's/ trusts 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 we agree with one or more of these statements:
- the letters, emails, or telephone calls are often or always abusive or aggressive
- they make insulting personal comments about or threats towards staff
- the school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience

The school should not stop responding just because an individual is difficult to deal with or asks complex questions.

Communication strategy for persistent correspondents

If an individual's behaviour is causing a significant level of disruption, regardless of whether or not they have raised a complaint, schools can implement a tailored communication strategy. For example, we can:

- restrict the individual to a single point of contact via an email address
- limit the number of times they can make contact, such as a fixed number of contacts per term

However, regardless of the application of any communication strategy, we will provide parents and carers with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005, within the statutory time frame.

The school will act reasonably and consider any new complaint. Anyone has the right to raise a new complaint at any time and failure to respond could result in the school failing to act reasonably. The school can also suggest that the complainant asks a third party to act on their behalf, such as the local Citizen's Advice.

If an individual persists to the point that may constitute harassment, the school will seek legal advice. In some cases, injunctions and other court orders have been issued to individuals preventing them from contacting schools directly.

Once the school has decided that it's appropriate to stop responding, they will need to inform the individual.

17. Monitoring and Review

The **Board of Trustees monitors** the complaints procedure, in order to ensure that all complaints are handled properly. The Headteacher logs all formal complaints received by the school and records how they were resolved. Trustees will discuss this log on an annual basis and consider the need for any changes to the procedure.

18. Recording complaint progress

The School will:

- record the progress of the complaint and the final outcome
- determine who is responsible for these records and make sure the data is kept secure as schools are data controllers in their own right, the Trust has decided that records of the complaint will be kept securely for 12 months of the date of the completion of the complaint.

Under the General Data Protection Regulations (EU) 2016/679 (GDPR), data must not be kept longer than is necessary.

Appendix A – Complaint Form

[illegible]

Sign:

Date: