



## COMPLAINTS PROCEDURE

### Introduction

There may be an occasion when people need to tell us that something has gone wrong. If this is the case, please follow the below procedures. (The complaints procedure can be located on The Collegiate Trust and school website, along with a word version of the complaint form, and printed copies are available upon request at the school office).

In accordance with equality law, the school 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.

### Timescale

A complaint must be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. The School will consider complaints made outside of this time frame if exceptional circumstances apply.

Unless otherwise stated, timescales in this procedure refer to school working days which exclude, school holidays, bank holidays and INSET days. The school will consider complaints made outside of term time to have been received on the first school day after the holiday period.

Every effort will be made to adhere to the time scales set out for each stage of the procedure. However, there may be eventualities / circumstances where it may take longer. If this is the case the complainant will be kept informed.

### Scope

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 Kenley Primary School about any provision of facilities or services that are provided, unless complaints are dealt with under separate statutory procedures as stated below.

Complaints not in scope of this procedure, which are dealt with under other statutory procedures are:

- Admissions
- Child Protection
- Exclusions
- National curriculum content
- Public Examinations
- Safeguarding
- Staff grievances and staff conduct
- Statutory assessments of special educational needs
- School re-organisation proposals
- Third party provider services who may use the school premises or facilities.

If you have a serious concern about the safety or welfare of your child or another student it should be dealt with under our Child Protection procedures; in such circumstances, please contact Mrs Jacki Keogh (*Designated Safeguarding Lead & Head of School*). Any **serious concerns** about the behaviour of a staff member should be taken directly to the *Head of School, Mrs Jacki Keogh*; examples of serious concerns include those involving violence, anything of a sexual nature or persistent bullying or humiliation.

### Anonymous Complaints

We will not normally investigate anonymous complaints. However, the school and/or Trust will determine whether the complaint warrants an investigation.

*Complaint campaigns* will be managed on a case by case basis by *The Collegiate Trust*.

### *Duplicate Complaints*

If after closing a complaint at the end of the procedure a duplicate complaint is received, e.g. from a spouse, partner or other family member, about the same subject, the new complainant will be informed that the School has already considered that complaint and the local process is complete. Should there be any new aspects to the complaint then these will be investigated separately in accordance with this procedure.

### *Serial, Persistent or Vexatious Complaints*

If all stages of the complaints procedure have been followed and the complainant has received the outcome and remains dissatisfied and tries to re-open the same issue, they will be informed 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 can choose not to respond.

If the school receives a vexatious complaint the school will consult with relevant parties and may decide that the complaint is not considered under this procedure. The complainant will be notified in writing that this is the case and that no further response will be provided. Appendix C provides further information on how the school handles serial, persistent and vexatious complaints.

A complaint is viewed as vexatious if:

- 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 application of a serial, persistent or vexatious marking will be against the subject or complaint itself rather than the complainant.

All other concerns and complaints will be dealt with through this *Complaints Procedure*. There are two sections to this procedure *Informal Complaints Procedure* and *Formal Complaints Procedure*.

### **The Difference Between a Concern and a Complaint**

CONCERN – An expression of worry or doubt over an issue considered to be important for which reassurances are sought.

COMPLAINT – An expression of dissatisfaction however made, about actions taken or a lack of action.

### **Section A – Informal Complaints Procedure**

It is in everyone's best interest that concerns, and complaints are resolved at the earliest possible stage.

Most concerns can be dealt with informally by liaising with your child's Teacher or other appropriate staff in the school such as the *Senior Leader* or *SENDCo*; please contact the relevant colleague directly via email or by calling the main switchboard and asking for the relevant colleague to contact you. Your call or email will be acknowledged by the next working day and a timeframe of when the concern will be investigated and responded to. Please make sure you outline your concern fully and then allow the colleague an opportunity to address the issue and, if necessary, put it right.

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

### **Section B – Formal Complaints Procedure**

Within the Trust we take complaints very seriously, and there is a five-stage *Formal Complaints Procedure* to ensure they are handled properly. The process outlined below must be followed and each stage exhausted before moving to the next.

A 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. For ease a template complaint form is provided (Appendix B), but this does not have to be used. If any help is required in completing this form, please contact the school. Organisations like Citizens Advice can also give support in completing this.

At each stage in the procedure, Kenley Primary School wants to resolve the complaint. If appropriate, the school will acknowledge that the complaint is upheld in whole or in part. In addition, the school 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 about 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.

A complainant may withdraw their complaint any time during the process and will be asked to confirm this in writing.

**[If the complaint is about the Deputy Principal, it should be sent in the first instance to the Head of School of Kenley Primary School, Mrs Jacki Keogh, via [jkeogh@kenleyprimary.org.uk](mailto:jkeogh@kenleyprimary.org.uk) This will be considered at stage 2 of the complaint procedure. The Head of School may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken].**

**[If the complaint is about the Head of School at Kenley Primary School, it should be sent in the first instance to Executive Principal of Kenley Primary School, Mr Andy Crofts, via [Andy.crofts@tct-academies.org](mailto:Andy.crofts@tct-academies.org) This will be considered at stage 2 of the complaint procedure. The Executive Principal may delegate the investigation to another member of the School/Trust's senior leadership team but not the decision to be taken].**

**[If the complaint is about the Executive Principal at Kenley Primary School, it should be sent in the first instance to CEO of the Trust, Mr Soumick Dey, via [admin@tct-academies.org](mailto:admin@tct-academies.org). This will be considered at stage 2 of the complaint procedure. The CEO may delegate the investigation to another member of the Trust's senior leadership team but not the decision to be taken].**

**[If the complaint is about the CEO, it should be sent in the first instance to the Chair of the Trust Board, via the Governance & Compliance Manager, [sara.scott@tct-academies.org](mailto:sara.scott@tct-academies.org) This will be considered at stage 2 of the complaint procedure].**

**[If the complaint is about the Chair of the Trust Board or the Chair of the LGB, an individual governor or the whole Local Governing Body at Kenley Primary School, it should be sent in the first instance to the Governance & Compliance Manager, [sara.scott@tct-academies.org](mailto:sara.scott@tct-academies.org). The Governance & Compliance Manager will determine the most appropriate course of action depending on the nature of the complaint.]**

As this complaint procedure is not a legal process, it is not intended that any party has legal representation. Such representation will only be allowed in exceptional circumstances and with prior agreement of either the Head of School, Executive Principal, the Stage 3 investigator or the Complaint Panel, dependent on the stage.

### **Stage 1**

The complaint should be put in writing to the *Deputy Principal*, Maxine Smy. Within two school days of receipt of the complaint, the *Deputy Principal* will inform the complainant of the action to be taken to investigate the complaint, and commit to providing a written response at the end of the investigation within **10 school days** from receipt of the complaint.

Following the investigation and written response from the *Deputy Principal*, if no further communication is received within **five school days**, then it is deemed the complaint has been resolved and is therefore concluded.

### **Stage 2**

Should the complainant feel the actions taken by the *Deputy Principal* under Stage 1 of this procedure have not resulted in a full investigation of the cause of the original complaint, or if the evidence suggests the *Deputy Principal* has come to an incorrect judgement, then Stage 2 of this procedure can begin. To enter Stage 2, the reasons why the

complainant feels the *Deputy Principal* has not carried out a full investigation of the original complaint or has come to an incorrect judgement must be outline to the Head of School in writing and within **five school days of receipt of the written response to Stage 1**. The Head of School will reply within **five school days** of receipt of the Stage 2 complaint outlining either:

- Why they feel the cause of the original complaint **has** been fully investigated by the *Deputy Principal* under Stage 1 of the Complaints Procedure and that there is no further investigation that can be carried out;
- or**
- the action to be taken to investigate the Stage 2 complaint and commit to providing a written response at the end of the investigation, **within 10 school days**. This written response will outline whether the complaint is upheld and therefore suggest a resolution or rejected.

Following any final written response from the Head of School to conclude Stage 2 of this procedure, if no further communication is received from the complainant within five school days, then it is deemed the complaint has been resolved and is ended.

### **Stage 3**

Should the complainant feel the actions taken by the *Head of School* under Stage 2 of this procedure have not resulted in a full investigation of the cause of the original complaint, or if the evidence suggests the *Head of School* has come to an incorrect judgement, then Stage 3 of this procedure can begin. To enter Stage 3, the reasons why the complainant feels the *Head of School* has not carried out a full investigation of the original complaint or has come to an incorrect judgement must be outline to the Executive Principal in writing and within **five school days of receipt of the written response to Stage 2**. The Head of School will reply within **five school days** of receipt of the Stage 3 complaint outlining either:

- Why they feel the cause of the original complaint **has** been fully investigated by the *Head of School* under Stage 1 of the Complaints Procedure and that there is no further investigation that can be carried out;
- or**
- the action to be taken to investigate the Stage 2 complaint and commit to providing a written response at the end of the investigation, **within 10 school days**. This written response will outline whether the complaint is upheld and therefore suggest a resolution or rejected.

Following any final written response from the Executive Principal to conclude Stage 3 of this procedure, if no further communication is received from the complainant within five school days, then it is deemed the complaint has been resolved and is ended.

### **Stage 4**

If the complainant still feels that the issue has not been fully investigated, feels that the evidence suggests the Executive Principal has come to an incorrect judgement, or is unhappy with a proposed resolution, the complaint will be progressed to Stage 4. The template complaint form should be completed and the complaint sent to the *Governance & Compliance Manager* of the Trust at [sara.scott@tct-academies.org](mailto:sara.scott@tct-academies.org) within five school days of receipt of the written response from the Executive *Principal*. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

Provided the complaint is within the remit of the LGB, a *Complaints Panel* will be arranged and will meet within **twenty school days** of receipt of the Stage 3 complaint (if this is not possible, the Governance & Compliance Manager will provide an anticipated date and keep the complainant informed) and the complainant will be invited to attend. The complainant may bring someone with them to the panel meeting to provide support, such as a friend or relative. Generally, we do not agree to either party bringing legal representatives to the meeting as it is not a legal hearing. However, there maybe occasions when legal representation is appropriate. For instance, if a school employee is called as a witness, they may wish to be supported by union and/or legal representation. (Representatives from the media are not permitted to attend). If the complainant rejects the offer of three proposed dates, without good reason, the Governance & Compliance Manager 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.

The Governance & Compliance Manager will inform the complainant when supporting documents, relevant to the complaint, must be submitted, so that these can be shared with all parties at least 5 days prior to the panel hearing.

(The panel will not normally accept as evidence recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded).

The panel 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 recording of meetings or conversations take place. Consent will be recorded in any minutes taken. A written record of the meeting will be taken by a Clerk.

The Complaint Panel will consist of 3 people who have not been directly involved in the matter detailed in the complaint.

For a complaint concerning a school, two panel members will be from the Local Governing Body (LGB) of the school (or another school in the Trust or from the Trust Board). The third panel member will be independent of the management and running of that school (i.e. not on the LGB of that school and not on the Trust Board).

For a complaint concerning the LGB (Chair, Vice Chair or Governor or the LGB itself), two of the panel members will be drawn from the Trust Board and the third member will be independent.

For a complaint concerning the Trust, two of the panel members will be drawn from the Trust Board and the third member will be independent.

For a complaint concerning the Trust Board (Chair, Vice Chair, Director of the Trust Board itself), the panel will be entirely independent.

The panel will listen to the complaint and/or the reasons for rejecting an offered resolution, as well as hearing from the Executive *Principal* (or the person who completed stage 2 of the complaint procedure), and the reasons for the decision at the end of Stage 2 of the *Complaints Procedure*. The panel can then either uphold the complaint or dismiss the complaint, in full or in part. If upheld in full; or in part, the panel will decide on the appropriate action to be taken to resolve the complaint and where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future. The complainant and the school will be notified in writing of the panel's decision, findings and recommendations, usually within **5 school days**. The letter will confirm the panel's findings and recommendations, confirm the end of the procedure with that complaint and how to contact the ESFA if they are dissatisfied with the outcome. *The letter should be in your preferred language.*

As with all formal complaints (regardless of whether they are upheld), a copy of the letter, supporting documentation, which will include the outcome and any resolutions/findings/recommendations/actions, will be held confidentially at The Collegiate Trust by the Governance & Compliance Manager and be available for inspection by the Proprietor, CEO, Executive Principal and Secretary of State or any inspection body under section 109 of the 2008 Act.

**This is the final stage of Kenley Primary School complaint procedure.**

### **Stage 5**

If the complainant believes the School/Trust did not handle the 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 Education and Skills Funding Agency (ESFA) after they have completed stage 3.

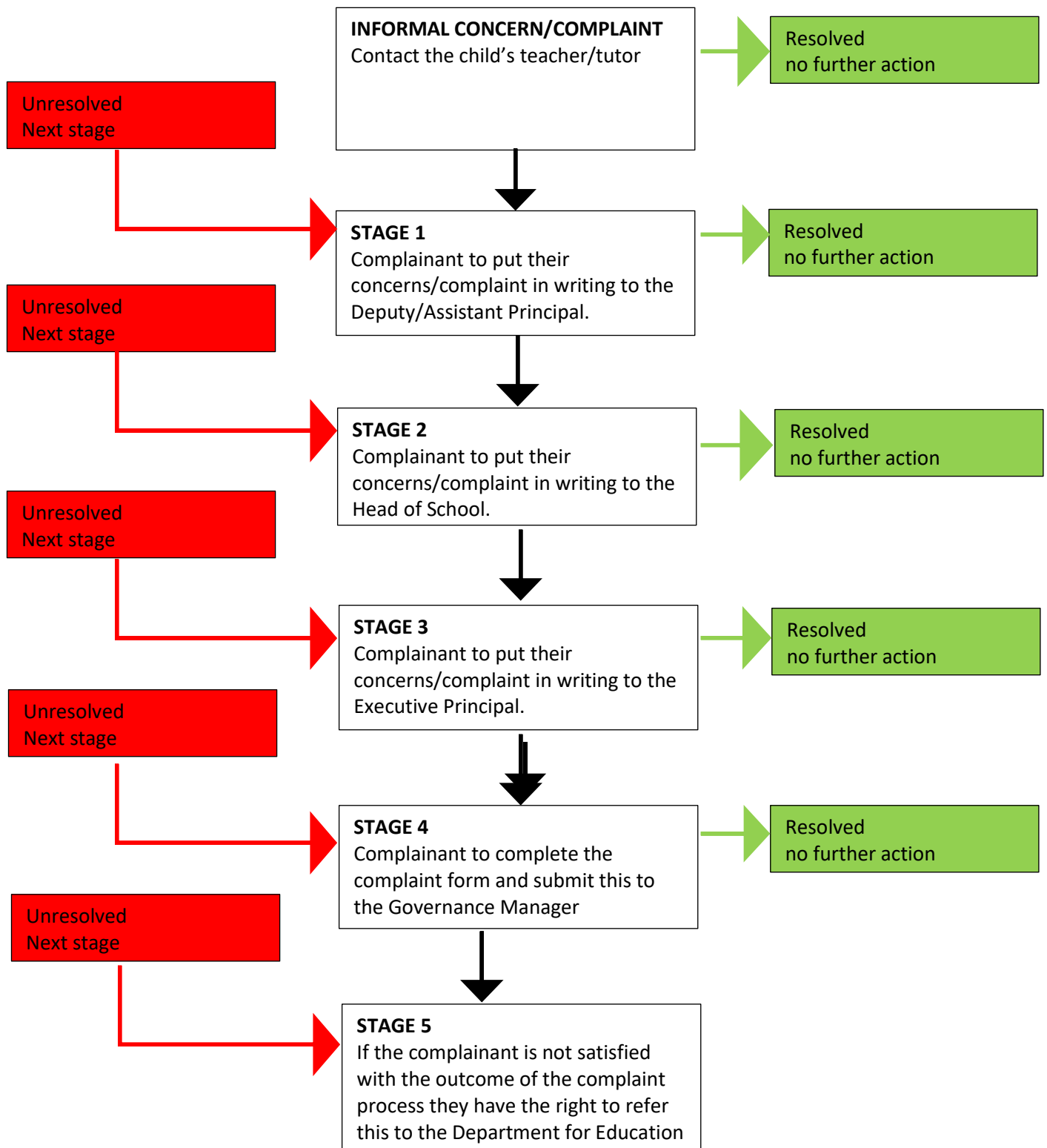
The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by Kenley Primary School. They will consider whether Kenley Primary School has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).

<http://www.education.gov.uk/aboutdfe/complaintsprocedure/b00212240/making-complaint-school/how-to-complain>

Contact details are: -

Email	<a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>
Telephone	0370 000 2288
Address	Academy Complaints and Customer Insight Unit Education and Skills Funding Agency Cheylesmore House 5 Quinton Road Coventry CV1 2WT

## Appendix A - Flowchart for the procedure of handling concerns/complaints for schools within The Collegiate Trust.



- If your complaint is about the Head of School, you should send it to the Executive Principal.
- If the complaint is about the Executive Principal of the school, it should be sent to the CEO of the Trust.
- If the complaint is about the CEO of The Collegiate Trust, it should be sent to the Chair of the Trust Board, via the Governance & Compliance Manager.
- If the complaint is about the Chair of the Trust Board, Chair of the LGB, the LGB or an individual Governor then it should be sent to the Governance & Compliance Manager.

## Appendix B - The Collegiate Trust Complaint Form

To be completed for all complaint stages.

For stage 4 complaints, please email to The Governance & Compliance Manager, Mrs Sara Scott – [sara.scott@tct-academies.org](mailto:sara.scott@tct-academies.org)

Or

Posted to Mrs Sara Scott, Governance & Compliance Manager, The Collegiate Trust, Honister Heights, Purley, CR8 1EX

<b>Your name:</b>	<b>Child's school:</b>
<b>Child's name and year/tutor group:</b>	<b>Your relationship to the child:</b>
<b>Your address and postcode:</b>	
<b>Your daytime telephone number:</b>	<b>Your evening telephone number:</b>
<b>Your email address:</b>	
<b>What stage do you feel this complaint is at and why:</b>	
<b>Your complaint is...</b>	
<b>What action have you already taken to try and resolve your complaint?</b> (Who did you speak to and what was the response?)	
<b>What would you like as an outcome from your complaint?</b>	
<b>Are you attaching any paperwork? If so, give details here:</b>	

Your signature..... Date .....



## Appendix C - Managing Serial, Persistent and Vexatious Complaints

The Collegiate Trust is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with our Trust. 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.

Complainants should try to limit their communication with the Trust / Trust schools that relates to their complaint, 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.

The Collegiate Trust defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- 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
- 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 Education and Skills Funding Agency
- 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
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information; or,
- publishes unacceptable information on social media or other public forums.

Whenever possible, the Executive Principal or senior Trust member of staff will discuss any concerns with the complainant informally before applying an 'unreasonable' marking to the complaint.

If the behaviour continues, the Executive Principal or senior Trust member of staff will write to the complainant explaining that their behaviour is unreasonable. They will also explain that if the behaviour continues the Trust may specify methods of communication e.g. restrict the individual to a single point of contact via email, limit the number of contacts in a communication plan or take the decision stop responding. This will usually be reviewed after six months.

The decision to stop responding will never be taken lightly. Before our Trust or schools stop responding to a complainant who submits unreasonable complaints, we will need to be able to answer yes to the following questions:

- Have we taken every reasonable step to address the complainant's concerns?
- Has the complainant been given a clear statement of our position and their options?
- Does the complainant contact us repeatedly, making substantially the same points each time?

We will also consider the following points:

- Are the individual's letters, emails, or telephone calls often or always abusive or aggressive?
- Does the individual make insulting personal comments about or threats towards staff?
- Do we believe that the individual is contacting us with the intention of causing disruption or inconvenience?

The individual will be informed in writing should the Executive Principal or senior Trust member of staff determine that the school/Trust should stop responding.

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

### **Barring from the school premises**

Although fulfilling a public function, academies are private places. The public has no automatic right of entry. Schools will therefore need to act to ensure they remain a safe place for pupils, staff and other members of their community.

If an individual's behaviour is a cause for concern, the Executive Principal can ask them to leave school premises. In some cases, individuals can be barred from entering school premises. The Executive Principal should always give the individual the opportunity to express formally their views on a decision to bar.

This is an Executive Principal decision but subject to review by the Chair of Governors.

Parents will always be given the opportunity to formally express their views on the decision to bar in writing. The Executive Principal should take into account any representations made by the individual and decide whether to either confirm or lift the bar. If the decision is confirmed, the individual should be notified in writing, explaining:

how long the bar will be in place  
when the decision will be reviewed

Anyone wishing to complain about being barred can do so, by letter or email to the Executive Principal or Chair of Governors.