



# Kenningtons Primary Academy

## *Complaints Policy*

**2022 - 2025**

Date of Approval	29 <sup>th</sup> September 2022
Review Duration	3 Years
Date of Renewal	September 2025

# Kenningtons Primary Academy

## Complaints Policy September 2022



### 1. Introduction

- 1.1 This policy is intended to allow for any parent or carer of a child at the school to raise a concern or complaint relating to the school, or the services that it provides. Whilst the school will handle complaints from people who are not parents or carers of children at the school respectfully and expediently, Kenningtons Primary Academy is not obliged to follow the procedures of this policy in handling such complaints.
- 1.2 This policy should be used alongside **Kenningtons Primary Academy's Home School Agreement**.
- 1.3 This policy has been reviewed with reference to the Education and Skills Funding Agency guidance "Best practice guidance for academies complaints procedures" March 2021
- 1.4 This policy is not intended to cover those matters for which there is a specific statutory process to object, complain or appeal, for example, school admissions or exclusions. **(See Appendix 1)**
- 1.5 An anonymous concern or complaint or any concern or complaint raised on social media will not be investigated under this policy, unless there are exceptional circumstances.
- 1.6 To enable a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. In general, any matter raised more than 3 months after the event or the last event of a series of associated events being complained of, will not be considered.
- 1.7 For the purposes of this policy there is a 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 instance where a parent or other member of the public believes the school has not followed school policy, as put in place by the Governing Body, or Statutory Guidance, as set by Central Government'

### 2. Complaints Policy

- 2.1 The majority of issues raised are concerns rather than complaints. Kenningtons Primary Academy is committed to taking concerns seriously, at the earliest stage, in the hope of keeping the number of formal complaints to a minimum and without needing formal procedures. However, depending on the nature of the complaint, the instigator may wish or be asked to follow the school's formal Complaints Policy.
- 2.2 The prime aim of this policy is to resolve the concern or complaint as fairly and speedily as possible. Where timescales as set out in this policy cannot be met, because for example further investigations are necessary, the complainant will be advised and new timescales set. Complaints will be dealt with in a sensitive, impartial and confidential manner.

- 2.3 Complaints deemed malicious by the Chair of Governors may incur legal action by the school.
- 2.4 Complaints made by groups of parents will always be treated on an individual basis in order that any investigation is carried out in a fair and impartial manner.

### 3. Complaints Procedure

The following details outline the stages that can be used to resolve complaints.

This procedure has four main stages, in summary they are as follows:

Stage 1 (Informal) – A concern is raised informally with a staff member.

Stage 2 (Formal) – Complaint is considered by Headteacher / Deputy Headteacher.

Stage 3 (Formal) – Complaint is considered by Chair or Vice Chair of Governors.

Stage 4 (Formal) – Complaint is presented to the Governing Body's Complaints Appeal Panel.

#### 3.1 Stage 1 – A concern is raised informally with a staff member. (Informal)

- 3.1.1 Concerns can be raised with the school at any time and will often generate an immediate response, which will resolve the concern. The school requests that those with concerns or queries make their first contact with the class teacher or member of staff as per the **Kenningtons Primary Academy Contact Tree provided in Appendix 3**. Two Parent Consultation Days are held in the academic year to enable parents to raise concerns with class teachers. It is also possible to pass a handwritten note to the member of staff on door duty in the morning or to telephone the school office.
- 3.1.2 On some occasions the concern raised may require investigation, or discussion with others, in which case the complainant will receive an informal but informed response within a day or two. The vast majority of concerns will be satisfactorily dealt with in this way. However, if the complainant is not satisfied with the result at Stage 1, they should write to the school within 10 school working days and state that they would like to make a formal complaint. The formal complaint must be made in writing using the **Notification of Formal Complaints, Appendix 4**

#### 3.2 Stage 2 – Complaint is considered by Headteacher / Deputy Headteacher (Formal).

- 3.2.1 In order for a complaint to be considered by the Headteacher, full details of the complaint must be provided using the **Notification of Formal Complaints, Appendix 4**. This ensures that the Headteacher has all the information required to conduct the investigation into the complaint thoroughly. The complaint should be addressed to Kenningtons Primary Academy Headteacher.
- 3.2.2 The school will normally acknowledge receipt of the complaint within 5 school working days of receiving it. Upon completion of the investigation the Headteacher will write to the complainant with the findings of that investigation usually within a further 10 school working days.
- 3.2.3 The aim will be to resolve the matter as speedily as possible. However, if the complainant is not satisfied with the result at Stage 2 they should contact the school within 10 school working days of receiving their written response, to submit a written complaint to the Chair of Governors.

**NB. If a complainant wishes to make a formal complaint about the conduct of the Headteacher, this should be put in writing to the Chair of Governors (moving straight to Stage 3, below, of the procedure).**

**3.3 Stage 3 – Complaint is considered by Chair or Vice Chair of Governors. (Formal)**

- 3.3.1 If the matter has not been resolved at Stage 2, then a written complaint, using the **Notification of Formal Complaint Form, Appendix 4**, will need to be sent to the Chair of Governors repeating the details of the complaint that was addressed to the Headteacher and explaining why the complainant is dissatisfied with the outcome of Stage 2. **NB. No additional complaint or evidence, further to that submitted to the Headteacher at Stage 2, may be included at this stage.**
- 3.3.2 If the complainant is making a formal complaint directly about the conduct of the Headteacher, this must be submitted in writing to the Chair of Governors, care of the school and marked Private and Confidential. Full details of the complaint must be provided on the **Notification of Formal Complaint Form, Appendix 4**.
- 3.3.3 The Chair will acknowledge receipt of the communication within 5 school working days and will then oversee a full investigation of the issues raised. On completion of a full investigation, the Chair will write to all parties to inform them of the outcome usually within a further 20 school working days.
- 3.3.4 The outcome of the investigation would usually be one of the following but not limited to:
- The evidence indicates that the complaint was substantiated and therefore upheld.
  - The complaint was substantiated in part or in full (some details would be given of the actions the school will take in response to the complaint except where they may be of a disciplinary or other such nature relating to an individual member of staff).
  - There is insufficient evidence to reach a conclusion so the complaint is inconclusive.
  - The complaint is not substantiated by the evidence and therefore not upheld.

**3.4 Stage 4 – Complaint is presented to the Governing Body’s Complaints Appeal. (Formal)**

- 3.4.1 On the very rare occasion that the matter has still not been resolved at Stage 3, then the complainant may refer the matter to the Governing Body who will establish a panel of at least three people who have not been directly involved in the matters detailed in the complaint.
- 3.4.2 The complainant must write to the Chair of Governors, within 10 school working days of receiving the Chair of Governor’s written response at Stage 3, asking for the matter to be considered by the Governing Body’s Complaints Review Panel with delegated powers to hear complaints. They must also explain why they are requesting a review, and why they consider the response they have received to be unsatisfactory. **NB. No additional complaint, evidence or information, further to that submitted at Stage 2, (or at Stage 3 to the Chair of Governors) may be introduced for consideration at this stage.**
- 3.4.3 The Review Panel may only be convened in the context of a formal complaint where the complainant has already engaged with Stages 1, 2 and 3 as per the information contained in this policy.

- 3.4.4 The Review Panel will be convened normally within 20 working school days of receipt of the written request for Stage 4. The complainant will be notified of the time, date and venue of the panel meeting and invited to attend.
- 3.4.5 The complainant may be accompanied by a friend or adviser if they so wish. For the avoidance of doubt, the person accompanying the complainant will be present for moral support only and will not play any part in the proceedings, unless invited to do so by the Chair of the Governing Body's Complaints Review Panel, entirely at his or her discretion and for good reason.
- 3.4.6 The Review Panel meeting is not a legal hearing and it is not appropriate for either the complainant or the school to be legally represented.
- 3.4.7 Should the complainant inform the Clerk to the Governing Body that they are unable to attend on the date provided, the panel meeting will be convened for a second date as soon as possible at the discretion of the Chair of Governors.
- 3.4.8 If the complainant does not attend the panel meeting without notifying the Clerk to the Governing Body, the Review Panel meeting may still go ahead.
- 3.4.9 If the complainant is unable to attend either of the dates provided, the complainant may submit a written statement for consideration by the panel in their absence.
- 3.4.10 The panel will consist of three people; two panel members will, under normal circumstances, be governors of Kenningtons Primary Academy and one panel member will be a person who is independent of the management and running of the school. Complaints will never be heard by the whole Governing Body at any stage as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.
- 3.4.11 Any documentation relating to the complaint will be circulated to the complainant and Review Panel prior to the meeting. Under normal circumstances this will be 5 school working days in advance of the meeting and will be sent by recorded delivery to the complainant.
- 3.4.12 The Review Panel's purpose, in each case, is to consider the original complaint and the school's response to it, including its investigation and to make recommendations with reason to all those involved.
- 3.4.13 The role of the Review Panel is to review the actions and supporting evidence of the investigation under Stage 3. The Review Panel is not permitted to do the following:
- to re-investigate the complaint.
  - to reach a definite view on a point of law.
  - to criticise the complainant for any "contributory negligence" that may have contributed to the difficulties.
  - to be an alternative to a disciplinary hearing, as far as staff are concerned.
  - to hear any new complaints (except if it relates to the length of time taken to deal with the substantive complaint).
  - to extend its reference beyond the above matters.

- 3.4.14 There are several points which any panel member on a Review Panel needs to remember:
- It is important that the appeal hearing is independent and impartial and that it is seen to be so. No person may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross section of the categories of governor and sensitive to the issues of race, gender, gender orientation and religious affiliation.
  - It has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
  - Panel members need to be aware of the complaints procedure.
- 3.4.15 The outcome of the Panel Review meeting may be, but not limited to, one of the following: The Panel can
- Dismiss the complaint in whole or in part.
  - Uphold the complaint in whole or in part.
  - Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

### **3.5 Complaints against Staff of the School**

Complaints against school staff (except the Headteacher) must be made in writing to the Headteacher, using the Notification of Formal Complaints Appendix 4 and marked Private and Confidential. They will be submitted at Stage 2 of the procedure.

### **3.6 Complaints about the Governing Body**

Complaints about the Chair of Governors, any individual governor or the whole Governing Body must be made in writing and addressed to the Clerk to the Governing Body, care of the school. Please mark it as Private and Confidential. The Clerk will then determine the most appropriate course of action.

### **3.7 Suspending the Complaints Procedure**

If other bodies are investigating aspects of the complaint, for example the police, Local Authority safeguarding teams or Tribunals, this may impact on the school's 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 the school will inform the complainant of a proposed new timescale.

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

## 4 Roles and Responsibilities

### **The Role of the Clerk to the Governing Body**

The Clerk to the Governing Body is the contact point for the complainant and is required to:

- Set the date, time and venue of the hearing, ensuring that the dates are convenient for the panel, liaising with the complainant to inform them of the dates of the panel hearing, and that the venue and proceedings are accessible.
- Collate any written material and send it to the parties in advance of the hearing.
- Meet and welcome the parties as they arrive at the hearing.

### **The Role of the Clerk to the Governing Body's Complaints Review Panel**

The Clerk to the Governing Body's Complaints Review Panel is required to:

- Record the proceedings using minutes.
- Notify all parties of the panel's decision.

### **The Role of the Chair of the Governing Body**

The Chair of the Governing Body is required to:

- Check that the correct procedure has been followed.
- If a hearing is appropriate, notify the Clerk to the Governing Body to arrange the panel.

### **The Role of the Chair of the Governing Body's Complaints Review Panel**

The Chair of the Governing Body's Complaints Review Panel has a key role, ensuring that:

- The remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption.
- The issues are addressed.
- Parents and others who may not be used to speaking at such a hearing are put at ease.
- The hearing is conducted in an informal manner with each party treating the other with respect and courtesy.
- The panel is open minded and acting independently.
- No member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure.
- Each side is given the opportunity to state their case and ask questions.
- Written material is seen by all parties. All relevant documentation is kept confidential.
- If a new issue arises they use their discretion whether to give all parties the opportunity to consider and comment on it.
- Recommendations and findings should be recorded and distributed as appropriate.

**NB. The Chair of the Governing Body's Complaints Review Panel has the right to adjourn the meeting.**

## 5 Notification of the Review Panel's Decision

The Chair of the Governing Body's Complaints Review Panel needs to ensure that the complainant, Chair of Governors and where relevant, the person complained about is notified of the panel's decision, findings and recommendations within 5 working school days. A copy of the findings and recommendations should be available for inspection on the schools' premises by the Chair of Governors and Headteacher. The letter needs to explain if there are any further rights of appeal and if so, to whom they need to be addressed.

## 6 Any person bringing a complaint under this policy should be aware of the following

- Written records are kept of all complaints and whether they are resolved at the preliminary stage or proceed to a panel hearing.
- All correspondence, statements and records of complaints are 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).
- The Governing Body's Complaints Review Panel hearing is the last academy-based stage of the complaints process. If the complainant then believes that Kenningtons Primary Academy 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 the complainant can contact the **Education and Skills Funding Agency\***
- Assuming that the principle of 'taking and being seen to take complaints seriously' is respected, and the Headteacher and / or Governing Body have done everything possible to address and resolve the complaint, there may be a justifiable case for formally closing the complaint.

### **\*The Role of the Education and Skills Funding Agency (ESFA)**

The ESFA will check whether the complaint has been dealt with properly by Kenningtons Primary Academy.

The ESFA will not normally reinvestigate the substance of the complaint or overturn any decisions made by Kenningtons Primary Academy. The ESFA will consider whether Kenningtons Primary Academy has adhered to education legislation and any statutory policies connected with the complaint and whether we have followed Part 7 of the Education (Independent School Standards) Regulations 2014.

The ESFA can be contacted as follows:

- online at [www.education.gov.uk/contactus](http://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



## Appendix 1 – Complaints not in the scope of this Policy

This procedure covers all complaints about any provision of facilities or services by Kenningtons Primary Academy with the **exceptions** listed below, for which there are separate (statutory) procedures.

Exceptions	Who to contact
Admissions Appeals	Local Authority
Statutory assessments of Special Educational Needs (SEN)	SEN in the Local Authority
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under the school's Child Protection Policy and in accordance with relevant statutory guidance. Child protection matters may be raised with the Local Authority Designated Officer (LADO) or the Multi Agency Safeguarding Hub (MASH) in the Local Authority
Exclusion of children from school	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> . <i>NB. Complaints about the application of the school's Behaviour and Discipline Policy can be made through the school's complaints procedure.</i>
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedure.
Staff disciplinary procedures	These matters will involve the school's internal disciplinary procedures. Complainants will not be informed of the outcome of any investigation but will be informed that the matter is being addressed.
Whistleblowing	The school has an internal whistleblowing procedure for all its employees, including temporary staff and volunteers. Whistleblowers can, if they wish, raise concerns with the Education and Skills Funding Agency.
Complaints about services provided by other providers who may use school premises or facilities.	Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.

## Appendix 2 – Policy for dealing with Unreasonable Complainants

### Unreasonable Complainants

Kenningtons Primary Academy 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. 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.

This school defines unreasonable complainants as *‘those who, because of the frequency or nature of their contact 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 considered 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, Education and skills Funding Agency or Ofsted
- 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 number of communications with the 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 Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an ‘unreasonable’ marking.

If the behaviour continues the Headteacher or the Chair of Governors will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact this school causing 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.

### **Barring from the School Premises**

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately by the school. This may include banning an individual from the school. The police may also be informed.

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Kenningtons Primary Academy will therefore act to ensure the school remains a safe place for pupils, staff and other members of our community.

If a parent's or carer's behaviour is a cause for concern, a school can ask him / her to leave school premises. In serious cases, the Headteacher can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent or carer may wish to make. The school will always give the parent or carer the opportunity to formally express their views on the decision to bar in writing.

The decision to bar will then be reviewed by the Headteacher, considering any representations made by the parent or carer, and either confirmed or lifted. If the decision is confirmed the parent or carer will be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

### **Serial complaints**

In the case of serial complaints, the school will register but not address any additional complaints until the procedure connected to the original complaint has been concluded. New cases will be addressed only after there has been a conclusion of any existing procedure. This does not prevent a parent or carer logging a complaint.

### **Complaint Campaigns**

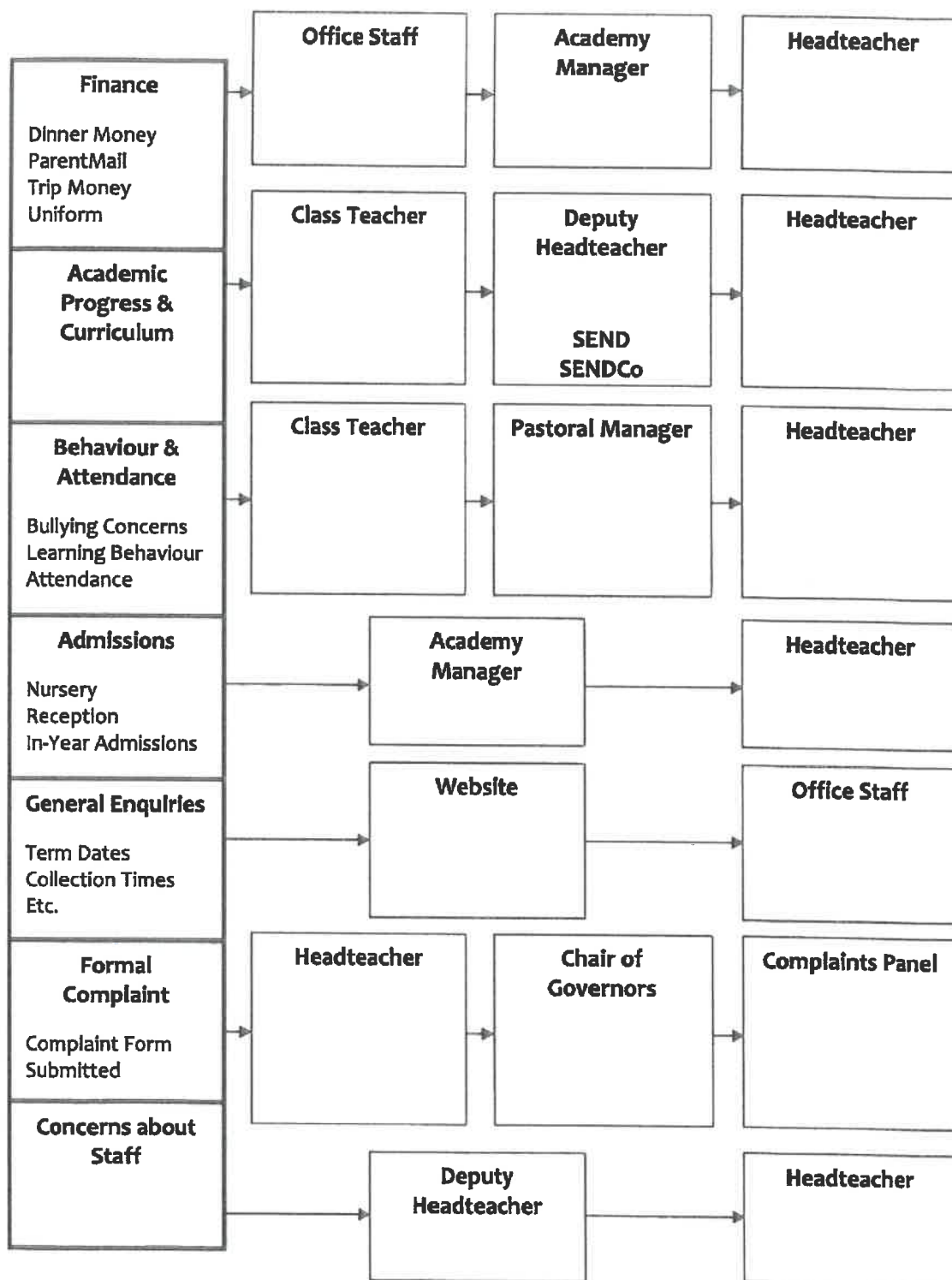
If the school becomes the focus of a campaign and receives large volumes of complaints

- all based on the same subject
- from complainants unconnected with the school

the school may respond by

- sending a template response to all complainants, or
- publishing a single response on the school's website

### Appendix 3 – Kenningtons Primary Academy Contact Tree



## Appendix 4 - Notification of Formal Complaint

This form must be completed and returned to the Main School Office.

<b>Your Name:</b>
<b>Pupils Name (if applicable):</b>
<b>Your relationship to the pupil (if applicable):</b>
<b>Your Address:</b>
<b>Your Postcode:</b>
<b>Your Daytime Telephone Number:</b>
<b>Your Evening Telephone Number:</b>
<b>Please state your complaint, provide details and specifying in what way you feel the school has breached School Policy or Statutory Guidance:</b>

**What action, if any, have you already taken to try to resolve your complaint, who did you speak to and what was the response?**

**What action do you feel might resolve the complaint?**

**Are you attaching any paperwork as supporting evidence to your complaint? If so, please give details:**

**Signature:**

**Date:**

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**Appendix 5 - For official use only**

**Date complaint received:**

**Acknowledgement sent by:**


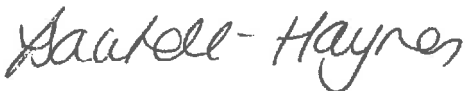
**Date acknowledgement sent:**

**Complaint referred to:**

**Date referred to Chair of Governors:**

**Record of subsequent procedures:**

**This Policy was reviewed by the Headteacher, approved by the Pupils, Admissions & Curriculum Committee and ratified by the Governing Body on a 3-year cycle. It must be signed and dated by the Chair of Governors and Headteacher and displayed on the School Website.**

Signature of Chair of Governors: 	Signature of Headteacher: 
Date: 29.09.22	Date: 29/9/2022