



**St Edmundsbury and Ipswich**  
Diocesan Multi Academy Trust



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# COMPLAINTS PROCEDURE

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Stoke by Nayland CofE Primary School

<b>Date Approved</b>	<b>MAT Board</b>	29 March 2017
<b>Signed</b>	<b>Name:</b> Ven Dr David Jenkins <b>Position:</b> Director	
<b>Date of Next Review</b>	<b>MAT Board</b>	31 March 2018

# Complaints procedure

## Introduction

At each School we encourage all parents and pupils to approach any member of staff in the first instance if they have a concern or complaint.

If these initial approaches fail to resolve a complaint this policy lays out the procedures that should be followed to allay any concerns about a particular issue.

If you do not understand any part of this policy, please do not hesitate to contact the Headteacher or the member of the Local Governing Body (LGB) responsible for complaints (please contact the school office in confidence to obtain contact details). Your complaint will then be investigated fully, ensuring all relevant facts are taken into consideration.

For further information about current government legislation please see Appendix A.

## 1. Registering a complaint

Initially we would ask that a parent or pupil discusses the complaint with the relevant member of staff. If there is a difficulty discussing this issue with that member of staff the complaint can be referred to another member of staff. Similarly, if the member of staff directly involved felt unable to deal with the complaint then another member of staff can be allocated to deal with the complaint in the first instance. If the complaint refers directly to the Headteacher then the parent should contact the Chair of Governors.

If Local Governing Body members are involved in a complaint at an early stage they must be made aware of the procedure to be followed for complaints and not act unilaterally outside the formal procedure.

Following an oral complaint an informal investigation will take place within 7 days concluding with a written report.

If a parent or pupil felt that their initial contact with a member of staff did not deal with the concern to their satisfaction they should complete a Complaints Form (Appendix B) and return it to the Headteacher (or Chair of Governors if the complaint refers to the Headteacher) – contact details are available in confidence from the school office. If the complaint concerns the Local Governing Body then the form should be returned to the Academy Trust (contact details can be obtained in confidence from the school office).

## 2. Once a Complaints Form has been lodged:

- The form must be acknowledged within 3 days and a resolution meeting scheduled within a further 7 days.
- This meeting will clarify the nature of the complaint and what are the unresolved issues. All the information relating to the complaint will be documented and the meeting will try to determine what action the complainant feels would put things right.
- Everyone involved in the complaint will be interviewed to ensure that all the facts of the complaint are understood– each may be accompanied by a friend or companion, if they wish.
- Notes will be kept of the discussions and all parties asked to sign the notes to show that they feel they were an accurate record of the meeting.
- Those involved in the complaint will be encouraged to say what actions they feel would remedy the situation at any time.
- The meeting's Chair (Headteacher or Chair of Governors) will remain impartial during the interviews.
- The Headteacher will maintain a record of any formal complaints at the academy.
- A written report will be provided to all parties within the 7 day time limit. This will inform all parties of the findings and suggested actions to remedy the situation. Areas of agreement between the

parties will be highlighted and any misunderstandings clarified to create a positive atmosphere in which to discuss any outstanding issues.

If any party involved in the complaint remains dissatisfied following this investigation, meeting and report, the Chair of Governors may convene a Complaints Appeal Panel.

### **3. The Complaints Appeal Panel**

- If necessary and within 10 days of the Resolution Meeting, the complainant must inform the Chair of Governors of their dissatisfaction. This notification will be acknowledged.
- The Chair of Governors will convene a Complaints Panel.
- This will consist of three members who should not have been involved in the early stages of the complaint. One member of the Panel may be a person independent of the management and running of the school. The Panel will elect their own Chair and a Clerk will be appointed to the panel who will set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible.
- These arrangements will be sent to the complainant and the Panel hearing must take place within 20 days from this notification.
- The Clerk will 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, record the proceedings and notify all parties of the panel's decision.
- This Complaints Panel is the last school based stage of the complaints process. Individual complaints would not be heard by the whole Local Governing Body at any stage as this would compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.
- It is important that the appeal hearing is independent and impartial and that it is seen to be so. No member 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, members need to try and ensure that it is a cross-section of the categories of members and sensitive to the issues of race, gender and religious affiliation.
- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. The panel chair will ensure that the proceedings are as welcoming as possible. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- The chair of the panel needs to ensure that the complainant is notified in writing of the panel's decision, with the panel's response; this is usually within a set deadline agreed at the hearing. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed. If the complainant does not feel that their complaint has been dealt with to their satisfaction by the school they may contact the Clerk to the Board of Directors at the Academy Trust. Contact details may be obtained from the school office at any time.

### **4. The MAT Directors' Hearing**

- If necessary and within 10 days of the Appeal Hearing, the complainant must inform the Clerk to the MAT Directors of their dissatisfaction. This notification will be acknowledged.
- The Clerk to the MAT Directors will convene a Hearings Panel.
- This will consist of three Directors who should not have been involved in any stages of the complaint. The Panel will elect their own Chair and a Clerk will be appointed to the panel who will set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible.

- These arrangements will be sent to the complainant and the Directors' Hearing must take place within 20 days from this notification.
- The Clerk will 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, record the proceedings and notify all parties of the panel's decision.
- This Directors' Hearing is the last stage of the complaints process.
- It is important that the Directors' Hearing is independent and impartial and that it is seen to be so. No member 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, members need to try and ensure that it is a cross-section of the categories of members and sensitive to the issues of race, gender and religious affiliation.
- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. The panel chair will ensure that the proceedings are as welcoming as possible. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- The chair of the panel needs to ensure that the complainant is notified in writing of the Directors' decision, this is usually within a set deadline agreed at the hearing. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed. In the event that the complainant does not feel that their complaint has been dealt with to their satisfaction by the Directors they may contact the Education Funding Agency. Contact details may be obtained from the MAT office at any time.

## **5. Time limits**

Complaints need to be considered, and resolved, as quickly and efficiently as possible and within realistic time limits as indicated on the attached flowchart (Appendix C)

## **6. Review of complaints**

The LGB will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. The Headteacher will report any official complaints in the Headteacher's Report to the LGB.

As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard the LGB may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the governing body will be a useful tool in evaluating the school's performance.

## **7. Publicising the procedure**

There is a legal requirement for this Complaints Procedures to be publicised. Each School will include this information on the school's website. A copy will also be included in the Policy File held in the school office.

## **8. Review**

There will be an annual review of this policy by the academy trustees.

## **9. The role of the Education Funding Agency (EFA)**

If a complaint comes to the EFA they will check whether the complaint has been dealt with properly by the school. They will consider complaints about schools that fall into any of the following three areas:

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

They will not overturn a school's decision about a complaint. However, if they find a school did not deal with a complaint properly they will request the complaint is looked at again and procedures meet the requirements set out in the Regulations.

## **APPENDIX A**

All academies must have a complaints procedure. This must meet the standards set out in the [Education \(Independent School Standards \(England\) Regulations 2014](#) Schedule 1, Part 7.

The Regulations set out how complaints procedures should be drawn up and used effectively to handle complaints from parents of pupils.

The Education Funding Agency (EFA) has produced this guidance to help academies avoid the common pitfalls in meeting the standards and to share good practice.

### **Requirements for complaints procedures**

Academies' complaints procedures must be in writing, be made available to parents and set out clear timescales for the management of the complaint.

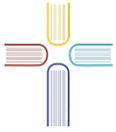
The complaints procedure must consist of at least three stages:

1. informal (usually a meeting with the complainant)
2. formal (the complaint is put in writing)
3. a panel hearing

If the complaint progresses to the final panel hearing stage, the academy must:

1. allow the parent(s) to attend and be accompanied if they wish
2. ensure at least one member of the panel is independent of the management and running of the academy

The panel cannot be made up solely of LGB members because they are not independent of the management and running of the academy. It is a matter for the academy to identify suitably independent individuals who can fulfil the role and responsibility of being the independent member.



## **APPENDIX B**

Stoke by Nayland Church of England Primary School  
School Street, Stoke by Nayland, Colchester, CO6 4QY

### COMPLAINTS FORM

Please complete and return to the Headteacher/Chair of Governors who will acknowledge receipt and explain what action will be taken. Please continue on a separate page or pages if necessary.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint.

What action, if any, have you already taken to try and resolve your complaint.

(Who did you speak to and what was the response)?

What actions do you feel might resolve the problem at this stage?

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

Signature:

Date:

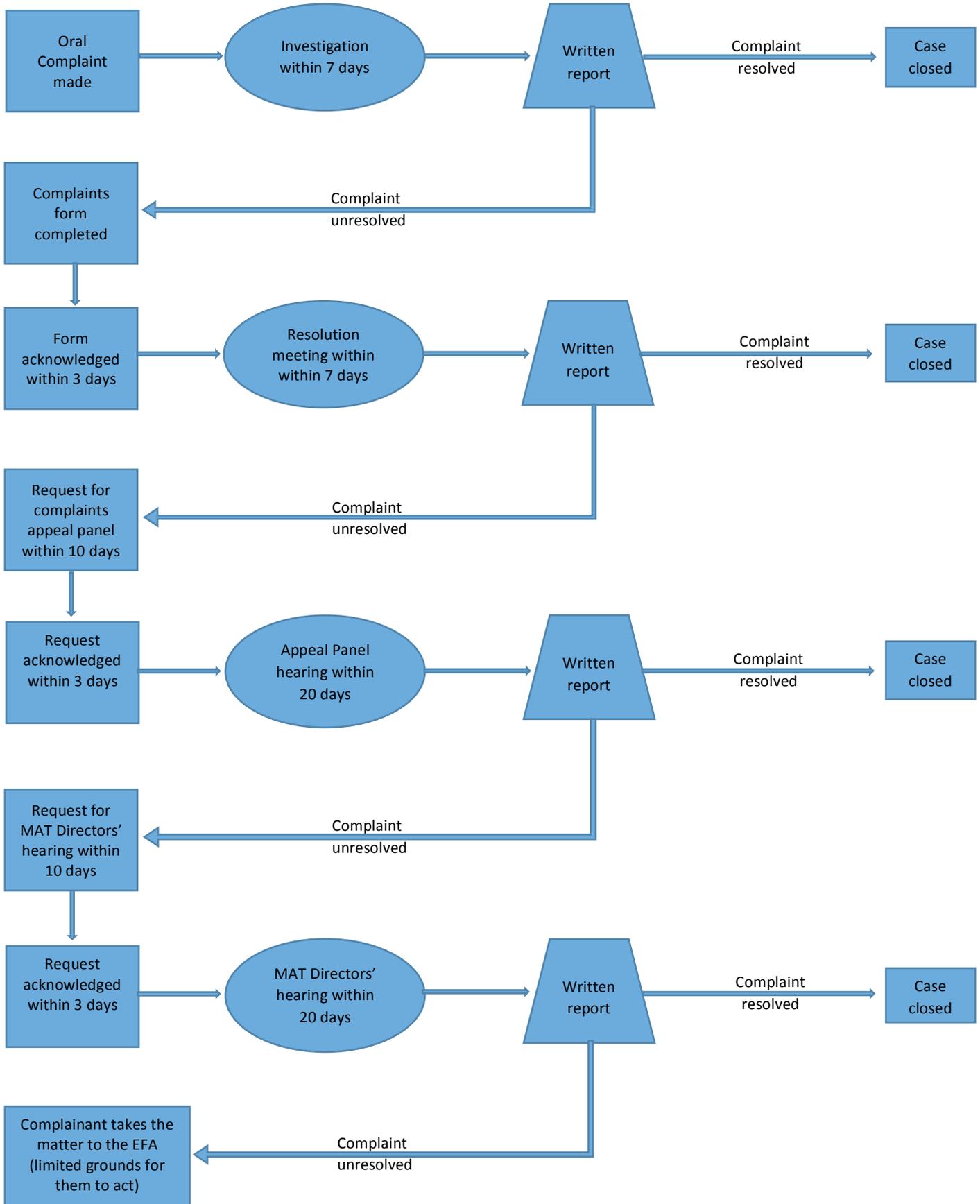


**APPENDIX C**

School complaints procedure

Flowchart of actions/timings

March 2017



NB Reference to 'days' in this