



SESAT
Barnfields Primary School
Complaints Policy and Procedure

Date Approved: September 2020	Print Name: Richard Chadwick
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Version: 2

Purpose

All schools in the South East Academy Trust (SESAT) are committed to providing a high quality education for all children. Unfortunately, on occasions you may have cause for concern, which may lead you to raise this with the school. When this happens it is important that you raise these directly with the school, as soon as possible. It is our aim to resolve all complaints quickly and efficiently. All complainants will be treated respectfully during and after the course of any complaints investigation and will receive a written response to their complaint, unless appropriate and reasonable measures have been put in place as a result of the 'Persistent and/or Vexatious Complainants' policy set out below.

- The Complaints Policy and Procedure has been created to deal with any complaint against a member of staff or the Academy as a whole, relating to any aspects of the Academy or the provision of facilities or services.
- A complaint can be brought by a parent/carer/guardian of a registered child at the Academy or any person who has been provided with a service/facility at the Academy. This person is referred to as the complainant.
- A complaint may also be brought by a member of the general public who feels that they have a grievance against the Academy, its actions, practices, or employees in the pursuance of their duties.
- The nominated member of staff with responsibility for the operation and management of the Academy complaints procedure is the Headteacher.
- For all parents/carers/guardians of a registered child at the Academy, the class teacher will be the first point of contact. For other complainants, the first point of contact will be the Headteacher.
- A concern becomes a complaint only when the complainant asserts that the school has acted wrongly in some significant decision, action, or has failed to take action.
- A complaint can be resolved or withdrawn at any stage.

Aims

Barnfields Primary School will:

- Encourage the resolution of problems by informal means wherever possible.
- Allow swift handling with established time-limits for action and keep people informed of any progress.
- Ensure a full and fair investigation by an independent person where necessary.
- Respect people's desire for confidentiality.
- Address all the points at issue and provide an effective response and appropriate redress where necessary.

- Provide information to the school's senior management team so that services can be improved.

Legal framework

This policy has due regard to statutory legislation, including, but not limited to, the following:

- The Education Act 2002
- The Freedom of Information Act 2000
- The Immigration Act 2016
- The Equality Act 2010
- The General Data Protection Regulation (GDPR)
- The Data Protection Act 2018
- The Education (Independent School Standards) Regulations 2014

This policy also has due regard to guidance including, but not limited to, the following:

- DfE 'Best Practice Advice for School Complaints Procedures 2016' 2016
- Education and Skills Funding Agency (ESFA) 'Creating an academy complaints procedure' 2015
- HM Government 'Code of practice on the English language requirement for public sector workers' 2016

Making a Complaint

The school will ensure that all aspects of the complaints procedure are:

- Easily accessible and publicised.
- Simple to understand and to put into practice.
- Impartial and fair to all parties involved.
- Respectful of confidentiality duties.
- Continuously under improvement, using information gathered during the procedure to inform the school's SLT.
- Fairly investigated, by an independent person when necessary.
- Used to address all issues in order to provide appropriate and effective responses where necessary.

Complaints are expected to be made as soon as possible after an incident arises in order to amend the issue in an appropriate timescale.

- The school upholds a **three-month** time limit in which a complaint can be lodged regarding an incident.
- In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner.
- Complaints should be made using the appropriate channels of communication, including the use of the [Complaints Procedure Form](#).
- All complaints shall be considered whether made in person, by telephone, in writing or electronically via email. However, the complainant will be asked to put the complaint in writing.
- A complaint can progress to the next stage of the procedure even if it is not viewed as "justified". All complainants are given the opportunity to fully complete the complaints procedure.

Any complaint made against the Headteacher shall be initially dealt with by the chair of governors.

Any complaint made against the Chair of Governors or any other member of the Governing Board should be made in writing to the clerk to the governing board.

Special Circumstances

- If the complaint suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual harassment or neglect, it may be referred without

further notice to the children's social care and/or to the social services authority for the area in which the child lives.

- If a social services authority decides to investigate a situation, this may postpone or supersede investigation by the Headteacher or governing body.
- Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions; certain decisions relating to formal assessment of special educational needs; and decisions to permanently exclude a child.

Stage 1 – Expressing Concerns (informal stage)

- Parent/carer/guardian discusses their concern with the child's class teacher or, if they prefer, another member of the school's teaching staff.
- If your complaint is more serious, you may prefer to speak to the Headteacher or member of the Senior Leadership Team.
- Where the complaint concerns the Headteacher, the complainant will be referred to the chair of the Governing Board.
- If the first approach is made to a Governor, the next step would be to refer the complainant to the appropriate person and advise them on the complaints procedure.
- Governors should not act alone on an individual complaint outside the formal procedure or be involved at the early stages, in case they are needed to sit on a panel at a later stage of the procedure.
- If a resolution cannot be sought at this level, or the complainant is dissatisfied with the outcome of these initial discussions, then the parent/carer/guardian may wish to escalate the complaint to the next level of the procedure.

Stage 2 - Formal Complaint (Headteacher or Chair of Governors)

- A formal complaint must be put in writing explaining your concern in as much detail as possible. A form is available in appendix 1
- It may be possible that the Headteacher has not been made aware of your concerns prior to this point. Therefore, an appointment should be made to discuss your concerns with the Headteacher, who will then seek to investigate your concerns, as well as attempting to resolve the matter to the satisfaction of all concerned. This should be as soon as reasonably practical to avoid any possible worsening of the issue.
- The Headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.
- The Headteacher or delegated member of staff should keep reasonable written records of meetings, telephone conversations and other documentation. If the complaint is against the Headteacher, the complainant will initially need to write, in confidence, to the chair of the Governing Board. The chair will seek to resolve the issue informally before moving directly to stage three of the procedure.
- Where there are communication difficulties, the complaint may be made in person or via telephone.
- Stage two of the process will be completed within **15 school days**. Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the Headteacher will contact the complainant to inform them of the revised target date via a written notification.
- In terms of a complaint being made against a member of staff, the Headteacher will discuss the issue with the staff member in question. Where necessary, the Headteacher will conduct interviews with any relevant parties and take statements from those involved.
- All discussions shall be recorded by the Headteacher and findings and resolutions will be communicated to the complainant either verbally or in writing.

- Once all facts are established, the Headteacher shall contact the complainant in writing with an explanation of the decision and any further action being taken to resolve the issue.
- If the complainant is not satisfied with the outcome suggested, the procedure will progress to stage three.

Stage 3 – Formal Complaint (Local Governing Board’s Complaints Committee)

- If your complaint is referred to the Local Governing Board’s Complaints Committee, then it will meet to consider the complaint and you will be invited to attend the meeting to make representations in person. You may choose to be accompanied at the meeting with a person of your choice should you so wish. The meeting will be held at a time and a venue convenient for all parties.
- The Complaints Committee will consist of at least three people who are not directly involved in the matters detailed in the complaint, with one of the panel members being independent of the management and running of the school.
- The Headteacher will not be a member of the Complaints Committee, although may be present at the meeting. In the event that the complaint is about the Headteacher at stage 2 then the Chair of Governors will not be a member of the Complaints Committee
- A written response will be sent to you within **20 school working days** from the date of the written complaint being received.
- The response will outline the outcome of the investigation and detailing how the conclusion has been reached. The letter will also tell you where to take the complaint next should you not be satisfied with the response provided.

Role of the SESAT Trust Board

- There is not a general right of appeal against the decision of the Local Governing Board’s Complaints Committee. However, if you feel that proper procedures were not followed or reasonable consideration given to the complaint, you can raise the matter with the Chair of SESAT Trust Board.
- A letter should be sent to the Chair of Trust Board explaining:
 - Details of the complaint;
 - the response made to it;
 - Why you think that the Complaints Committee has not followed a proper procedure in considering the complaint and
 - Why you think that the Complaints Committee’s consideration was unreasonable.
- The Chair of Trust Board will review the complaint on behalf of the SESAT and provide a written response within **15 school working days** to inform you of any further enquiries made into your complaint.
- If the Complaints Committee is perceived not to have followed the proper procedure and considered the complaint reasonably, the Chair of Trust Board may make practical suggestions to the Complaints Committee, including a request to further investigate the matter, if considered appropriate.
- If you wish to raise the matter with the Chair of Trust Board, then please write to Chair of Trust board at: c/o Leasowes Primary School, Porlock Avenue, Weeping Cross, Stafford, ST17 0HT

Role of the Education and Skills Funding Agency (ESFA)

- This Complaints Policy and Procedure follows the Government Regulations and Education and Skills Funding Agency (ESFA) guidance.
- If you still remain dissatisfied and feel that neither the school or SESAT has followed the appropriate procedure, any relevant policies, or has failed to discharge a statutory duty, you should refer your complaint to the ESFA.

- The ESFA cannot change any decision a school has made about the complaint and will only look at whether the school considered the complaint properly by following its complaints policy. If considered appropriate the ESFA may ask the school to reconsider the complaint from an appropriate stage and/or change its complaints procedure in order that it complies with legal requirements.
- It should also be noted that the ESFA will only look at complaints about schools that fall into the following areas:
 - Undue delay or non-compliance with a school's own complaints procedure
 - a school's failure to comply with a duty imposed on it under its funding agreement with the Secretary of State
 - A school's failure to comply with any other legal obligation, unless there is another organisation better placed to consider the matter.
- If you feel that your complaint is eligible for escalation to the ESFA, you should send it via:
 - The Department for Education's 'school complaints form' at:
www.education.gov.uk/schools/leadership/schoolperformance/schoolcomplaints-form
 by post to: Ministerial and Public Communications Division, Department for Education,
 Piccadilly Gate, Store Street, Manchester M1 2WD

Persistent or Vexatious Complaints

- You may remain dissatisfied, despite all the procedures having been followed and reasonable responses being provided. It may be the case that it is not possible to resolve all of your concerns and meet all of your wishes. Sometimes it may be necessary to 'agree to disagree'.
- If you do continue to make representations to the school on the same issues, the Local Governing Board reserves the right to inform you, in writing, that the appropriate procedures have all been followed, that all reasonable actions have been taken to try to resolve the issue and that the matter is now closed. Should you then write to the school again on the same issue(s), there is no obligation on the school to respond to you in that case.
- Correspondence received from any complainant subsequent to closure will be kept on file, indefinitely, as will notes of telephone calls and any further personal calls referring to the matter.

Review

This Policy and Procedure will be reviewed on a biannual basis by the schools' Local Governing Boards which reports to the SESAT Board.

This Policy and Procedure will also be reviewed, as and when required, should legislation and/or guidance be received from the ESFA.



Appendix 1: Stage 2 Formal Complaints form

Please complete and return to the Headteacher of the Academy who will acknowledge receipt and explain what action will be taken.

Your name:	
Pupil's name & Class:	
Your relationship to the pupil:	
Address:	
Postcode:	
Telephone number:	
Name(s) of staff who are already aware of the complaint:	
Date of when the verbal complaint was initially made and to whom:	
Details of your complaint: <i>Please include as much detail as possible and continue on a separate sheet if necessary. Please attach any relevant information to support your complaint.</i>	
What action, if any, have you already taken to try and resolve your complaint?	
What action do you feel might resolve the problem at this stage?	
Are you attaching any paperwork? If so, please give details.	

Signature:			
Date:			
Office use only			
Date acknowledgement sent:			
Acknowledgement sent by:			
Complaint referred to:		Date:	