



Kirkby la Thorpe
Church of England Primary Academy

Policy Title	Complaints Policy
Governance Function Area	Finance and General Purpose
Date reviewed/amended	January 2024
Date for next review and frequency	Biennially January 2026



Kirkby la Thorpe Church of England Primary Academy

Complaints Policy

1. Purpose

Kirkby la Thorpe CE Primary School aims to resolve complaints at the earliest possible stage and, where possible, informally, and is dedicated to continuing to provide the highest quality of education possible in the academy throughout the procedure.

This policy has been created to handle complaints relating to any aspects of the provision of facilities or services against:

- Any member of staff.
- The academy.
- Individual trustees or the board of trustees.

It is designed to ensure that the Academy's complaints procedure is straightforward, impartial, non-adversarial, allows a full and fair investigation, respects confidentiality, and delivers an effective response and appropriate redress.

This policy outlines the procedure that the complainant and the academy will follow. Once a complaint has been made, it can be resolved or withdrawn at any stage.

The headteacher and/or chair of trustees will delegate an appropriate person to be the first point of contact during the complaints procedure.

2. Legal framework

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Freedom of Information Act 2000
- Education Act 2002
- Equality Act 2010
- The Education (Independent School Standards) Regulations 2014
- Immigration Act 2016
- UK General Data Protection Regulation (UK GDPR)
- Data Protection Act 2018
- HM Government (2016) 'Code of Practice on the English language requirement for public sector workers'
- ESFA (2021) 'Best practice guidance for academies complaints procedures'
- ESFA (2023) 'Academy trust handbook 2023'

3. Definitions

We define a concern as follow:

‘an expression of dissatisfaction made orally about any aspect of the Academy’

We define a complaint as follows:

An expression of dissatisfaction made in writing about the standard of service, actions or lack of action by the Academy affecting an individual or group’

Application of the complaints procedure

Legally, all schools, academies and Trusts must have a complaints procedure which deals with the handling of complaints from parents of pupils.

All Academy staff will be made aware of the complaints procedure and are expected to review this document regularly in order that they are familiar with our process of dealing with complaints can be of most assistance when an issue is brought to their attention.

This document explains that procedure, and the steps that it outlines should be referred to and followed by all pupils and their parents whenever an issue arises that causes concern. If it becomes necessary to alter time limits and deadlines set out within this procedure, you will be advised accordingly, given an explanation and provided with revised timescales.

This document does not apply to complaints where there is another route available to make representations or appeal. This includes:

- Admissions
- Child Protection and Safeguarding
- Statutory assessments of special educational needs and education health and care plans
- Disciplinary issues relating to staff members
- National Curriculum content
- Complaints about services provided by other providers who may use the school premises or facilities
- Staff Grievances
- Staff conduct issues

Each part of these follow its own process of complaints and appeals which are outlines in their relevant policies

Safeguarding

Wherever a complaint indicates that a child’s wellbeing or safety is at risk, a school is under duty to report this immediately to the local authority. Any action taken will be in accordance with our Child Protection and Safeguarding policy, which can be found on our website.

The Academy Principles for dealing with concerns and complaints:

The academy will:

- Take all concerns and complaints seriously
- Make every attempt to resolve concerns by informal means without the need to use formal procedures
- Publish its complaints procedure, make it easily accessible and simple to understand and use
- Be fair, open and honest when dealing with any concern or complaint
- Give careful consideration to all concerns and complaints and deal with them swiftly as possible, keeping people informed of the progress
- Resolve any concern or complaint through dialogue and mutual understanding and wherever possible, put interests of the child above all other issues
- Provide sufficient opportunity for any concern or complaint to be fully discussed, and then resolved
- Deal with concerns or complaints in an impartial and non-adversarial manner
- Ensure a full and fair investigation of a complaint is undertaken by a person who has not been involved in the matter
- Address all the points at issue and provide an effective response and appropriate redress, where necessary
- Respect people's desire for confidentiality
- Use the outcome of a complaint to reflect on the services by the Academy so, if necessary, they can be improved.

Dealing with concerns

We recognise that parents and carers will, from time to time, have normal legitimate concerns about the progress, achievement, behaviour or welfare of their child, or about matters connected with the Academy.

We encourage parents and carers to make those concerns known to the relevant member of staff so that they can be addressed in partnership with the Academy. Almost invariably, the sooner such concerns are raised, the easier it is for an appropriate resolution to be found. This can be done verbally through face to face or phone call. Where it is in writing, the individual will be contacted to discuss further.

All concerns will be dealt with confidentially, although the staff member may need to take notes if they feel that the matter needs to be taken further or if it may arise again in the future. Any such notes will be kept in accordance with the principles of the Data Protection Act 2018.

However, such notes would be able to be used as evidence if further investigation was required, or if the concern became a formal complaint.

All other complaints will be directed towards the procedures laid out in this policy.

The nature of the concern will determine which member of staff you should approach in the first instance.

- Educational matters: child's class teacher
- Pastoral care: child's class teacher
- Disciplinary matters: child's class teacher
- Financial/Administration matters: bursar or administrator
- Complaint about a staff member's conduct: direct approach to the staff member themselves. Where this does not resolve the situation, the Head Teacher should be approached.

Social Media

In order for complaints to be resolved as quickly and fairly as possible, Kirkby la Thorpe CE Primary Academy requests the complainants do not discuss complaints publicly or via social media such as Facebook and Twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

Complaints that result in staff capability or disciplinary

If at any formal stage of the complaint, it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the Head Teacher. The complainant is entitled to be informed that action is being taken and the eventual outcome of any such action, but they are not entitled to participate in the proceedings or receive any detail about them.

Making a formal complaint

The process for making a formal complaint is set out below

Complaints should be brought to the Academies attention as soon as possible to enable a proper investigation to take place. Any matter raised more than 12 months after the incident being complained of (or, where a series of associated incidents have occurred, within 12 months of the last of these incidents) will not be considered unless deemed that there are exceptional circumstances relevant to the delay in bringing the complaint to the attention of the Academy

The complaint can be made in writing by letter, using the complaints form (Appendix 1), or in person if written notes are made and countersigned by the complainant.

The Academy will not normally investigate anonymous complaints aside from those covered by The Safeguarding of Children policy.

Further information relating to each stage can be found following the table.

Stage	Action	Time scale
Informal concern	<ul style="list-style-type: none"> • Informal and immediate addressing of issues by a relevant staff member. <ul style="list-style-type: none"> • This can be made in person or by telephone. Writing will be followed up with a meeting or phone call to address. • Informal meeting arranged • Where dissatisfied, formal complaint form to be completed and move to stage 1 	No more than three months
Formal 1 complaint	<ul style="list-style-type: none"> • Complaint dealt with by headteacher • Complainant fills in appendix 1 • A meeting arranged between individuals • Acknowledge receipt • Carry out investigation • Come to conclusion • Write to complainant with outcome within 14 academy days of the formal complaint being received. • Where dissatisfied with outcomes, progress to Stage 2 	14 academy days
Formal 2 complaint	<ul style="list-style-type: none"> • Complaint dealt with by Chair of Governors • Complainant fills in appendix 1 • Acknowledge receipt • Carry out investigation • Come to conclusion • Where dissatisfied with outcomes, progress to stage 3 • Write to complaint with outcome within 14 academy days of the complainant appealing stage 1 	14 academy days since receipt of appeal of stage 1
Formal 3 complaint	<ul style="list-style-type: none"> • Formal appeal to a panel of governors • Acknowledge receipt • Carry out hearing • Come to conclusion 	21 academy days of receipt of appeal of stage 2

	<ul style="list-style-type: none"> • This is the final stage of the school's complaints procedure. Where dissatisfied with outcomes, contact ESFA. 	
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Timeframes

Kirkby la Thorpe CE Primary Academy will endeavour to abide by timeframes stated under each stage but acknowledges that in some circumstances, this is not always possible due to the complexity of information needed to review a complaint or difficulties regarding individual's availability to deal with the complaint, for example. If it becomes apparent that it is not possible to complete any stage of the complaints procedure within a given timeframe, the individual responsible for handling the complaint will contact the complainant as soon as possible and come to an agreed timeframe that works for all parties involved.

Kirkby la Thorpe CE Primary Academy reserves the right not to investigate complaints that have been made three months, or more, after the subject of the complaint took place, except in exceptional circumstances. What is meant by exceptional circumstances is where new evidence has come to light, where the complaint is of an especially serious matter or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time. The Head Teacher will review the situation and decide whether or not to enact the complaints procedure, informing the Chair of governors of the decision.

Complaints about the head teacher or the governors

Where a complaint regards the Head Teacher, the complainant should first directly approach the Head Teacher in an attempt to resolve the issue informally. If the complainant is not satisfied with this outcome, they should notify the clerk to the governors (see contact details at the end of the document). Stage 2 of the process will then commence, with the Chair of governors as the individual responsible for the investigation.

Where a complaint regards a governor, the same process applies as for the head teacher. Where a complaint concerns the Chair of Governors, the individual should contact the Clerk to governors. Informal resolution will be sought, but where this fails, the complaints procedure at Stage 3 will take immediate effect. The vice Chair will mediate any proceedings.

Handling a complaint

Stage 1 – Formal investigation by the Head Teacher

If you do not feel that your concern has been dealt with as you would like, are unhappy with the outcome of your informal meeting or feel that the issue is serious enough that it warrants it, you can make a formal complaint in writing to the headteacher (using Appendix 1). In doing so, the following steps should be followed:

1. Complainant contacts the Head Teacher
2. The complainant must explain in writing:
 - an overview of the complaint so far;
 - who has been involved;
 - why the complaint remains unresolved; and
 - action they would like to be taken to put things right.
3. The Head Teacher will respond within 5 working days (excluding those which fall in the school holidays) of having received the written complaint. They will explain a written response to outline the procedure
4. Where the complaint is about a member of staff or a school governor, the Head Teacher will arrange an informal mediation meeting between the two parties to see if a resolution can be come to.
5. The Head Teacher will provide a written confirmation of the outcome of their investigation within 14 academy working days (excluding those which fall in the school holidays) of having sent confirmation of the intended action. Where the complainant is not satisfied with the outcome, they are able to progress to Stage 2 of the complaints process, and launch a formal written complaint.
6. The Head Teacher will make a record of the concern and the outcomes of the discussion which will be held centrally for twelve months, in line with the principles of the Data Protection Act 2018.

If your complaint is about the headteacher you should go straight to stage 2 of the formal complaints procedure.

Stage 2 – formal investigation by the Chair of Governors

If, having been through stage 1, you are dissatisfied with the outcome of your complaint or your complaint is about the headteacher, you may lodge your complaint with the Chair of governors

1. The complainant may submit a formal complaints form to the Chair of governors. See the end of the procedure for the clerk to the governor's contact details and for a copy of the form (Appendix 1)
2. The Chair of governors will respond in writing within 14 academy days (excluding those that fall in the school holidays) of the date of receipt of the complaint to acknowledge receipt of the complaint and explain what action will be taken, giving clear timeframes.
3. A log of all correspondence in relation to the complaint will be kept in accordance with the Data Protection Principles.

4. The Chair of governors will consider all relevant evidence; this may include but is not limited to:
 - a statement from the complainant;
 - where relevant a statement from an individual who is the subject of the complaint;
 - any previous correspondence regarding the complaint; • any supporting documents in either case; and/or
 - interview with anyone related to the complaint.
5. The Chair of governors may decide to have a meeting with the complainant (and where relevant, the subject of the complaint) if they feel that it would be appropriate for the investigation.
6. After considering the available evidence, the Chair of governors can:
 - uphold the complaint and direct that certain action be taken to resolve it;
 - reject the complaint and provide the complainant with details of the stage three appeals process;
 - uphold the complaint in part: in other words, the Chair of governors may find one aspect of the complaint to be valid, but not another aspect. They may direct for certain action to be taken to resolve the aspect that they find in favour of the complainant.
7. The Chair of governors must inform the complainant of their decision in writing within 14 working days (excluding those that fall in the school holidays) of having issued written acknowledgement of the receipt of the complaint. They must explain clearly why they have come to the decision that they made. They must detail any agreed actions as a result of the complaint. Finally, they must provide the complainant with details of how to progress the complaint to Stage 3 if they are not satisfied, providing them with the contact details of the clerk to the governors (see the end of the procedure for these).

Stage 3 – appeal – review by a panel of the governing board

If the complainant wishes to appeal a decision by the Chair of governors at Stage 2 of the procedure, or they are not satisfied with the action that the Chair took in relation to the complaint, the complainant is able to appeal this decision.

They must write to the clerk (see the contact details at the end of the procedure) as soon as possible after receiving notice of Chair's decision, briefly outlining the content of the complaint and requesting that a complaints appeal panel is convened.

The clerk will fulfil the role of organising the time and date of the appeal hearing, inviting all the attendees, collating all the relevant documentation and distributing this 5 days in advance of the meeting, recording the proceedings in the form of minutes, and circulating these and the outcome of the meeting.

The complainant must request an appeal panel within 4 weeks of receiving the Head Teacher's decision or it will not be considered, except for in exceptional circumstances. On receipt of this written notification, the following steps will be followed:

1. The clerk will write to the complainant within five working days (not including the school holidays) to confirm receipt of the appeal request and detail further action to be taken.
2. The clerk will convene a panel of two school governors and one independent member. All three panel members will have no prior knowledge of the content of the complaint.
3. The appeal hearing will take place within 21 academy days (excluding those which fall in the school holidays) of receipt of the date of the confirmation letter from the clerk to the complainant, confirming the appeal.
4. In addition to the panel, the following parties will be invited, where applicable:
 - the complainant;
 - the Head Teacher who dealt with the complaint at Stage 2; and
 - where the complaint regards a member of staff, the staff member who is the subject of the complaint.

The complainant is also able to bring a companion with them to the hearing if they wish. Where the subject of the complaint is a member of staff, that staff member is also able to bring a companion with them.

The companion will be a friend or a colleague. Neither party is able to bring legal representation with them. If after the hearing any party feels that legal action is necessary, please see the contact details at the end of the procedure.

5. If the attendance of any pupils is required at the hearing, parental permission will be sought if they are under the age of 18. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing.
6. Where the complaint is about a governor, the complainant may request that the appeal is heard by an entirely independent panel. It is at the discretion of the governing board who will notify the clerk of their decision. Where an entirely independent panel is required, timescales may be affected while the school source appropriate individuals for the review.
7. The panel can make the following decisions:
 - dismiss the complaint in whole or in part;
 - uphold the complaint in whole or in part;
 - decide on the appropriate action to be taken to resolve the complaint; or
 - recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.
8. All parties who attended the meeting will be informed in writing of the outcome of the appeal within 5 working days (excluding those which fall in the school holidays).

This is the final stage at which the school will consider the complaint.

Next steps

If the complainant believes the 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, they can contact the ESFA after they have completed stage 3.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decision made by the Academy. They will consider whether the Academy has adhered to education legislation and an statutory policies connected with the complaint.

The complainant can refer their complaint to ESFA online at: [ESFA](#) or by writing to:

Academy Complaints and Customer Insight Unit

Education and Skills Funding Agency

Cheylesmore House

5 Quinton Road

Coventry

CV1 2WT

Vexatious/ persistent/Unreasonable complaints

Whilst it is hoped that this document will reduce any dissatisfaction with the Academy, it is acknowledged that there may be rare occasions where a complainant continues to be dissatisfied with the Academy and the outcomes achieved under the complaints procedure.

Where a complainant attempts to re-open an issue that has already been dealt with via the school's complaints procedure, and that procedure has been exhausted, the school will not reinvestigate, and the matter is considered closed. A complaint will only be re-opened in exceptional circumstances, for example where new evidence has come to light.

If a complainant persists in raising the same issue, the head teacher will write to them explaining that the matter has been dealt with fully in line with the school complaints procedure, and therefore the case is now closed. Where further correspondence is received on the same matter, this may be considered vexatious and the Academy will be under no legal obligation to respond to that correspondence.

If the complainant subsequently contacts the Academy again about the same issue, the Academy can choose not to respond. The normal circumstance in which the Academy will not respond is it:

Unreasonable complaints include the following scenarios:

- The complainant refuses to co-operate with the school's relevant procedures.
- The complainant changes the basis of the complaint as the complaint progresses.
- The complainant seeks an unrealistic outcome.
- Excessive demands are made on the time of staff and school governors and it is clearly intended to aggravate.
- The complainant acts in a way that is abusive or offensive.
- The Academy believes the aim of the contact is to cause disruption or inconvenience

Once the Academy has decided that it is appropriate to stop responding, the complainant will be informed in writing

The headteacher will use their discretion to choose not to investigate these complaints. Where they have decided to that this cause of action, they must inform the Chair of governors that they have done so, explaining the nature of the complaint and what they have chosen not to

investigate. If the chair deems it appropriate to, they can redirect the headteacher to investigate the complaint. The full; complaints procedure will commence from stage one on this direction.

If the Chair upholds the head teacher's decision not to look into the complaint and the complainant deems this decision to be so unreasonable that no other rational body in the same position would have made that decision, then the complainant may make contact with ESFA.

The academy will ensure that when making this decision that complainants making a new complaint are heard and that the academy acts reasonably.

Resolving complaints

At each stage in the procedure the Academy will keep in mind ways in which a complaint can be resolved. It may be sufficient to acknowledge that this complaint is upheld in whole or in part. Alternatively. The complaint may bit be upheld, and this may be because there is insufficient evidence to substantiate the complaint. To support the resolution, it will usually be appropriate to offer one or more of the following:

- An apology (which does not imply liability)
- An explanation (especially where the complaint is not upheld)
- Ad admission that the situation could have been handled differently or better
- An assurance that the event complained of will not recur
- An explanation of the steps that have been taken to ensure that it will not recur
- An undertaking, if necessary, to review policies or procedure in light of the complaint

Records, review and monitoring of complaints

The academy will record the progress if all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the outcome. The records will also include copies of letters and emails, and notes in relation to meetings and phone calls. This material will be treated as confidential and held centrally and will be reviewed only by those involved in investigation the complaints or on the review panel

Records of complaint will be kept securely, only for as long as necessary and in line with state protection law.

The Academy will review and evaluate all complaints no matter how far they are or taken or what the outcome to ensure that similar problems are avoided in the future or to see if they could have been managed more effectively. All records if any complaints will be kept confidential but maybe inspected where appropriate by the Secretary of State or any inspection body .

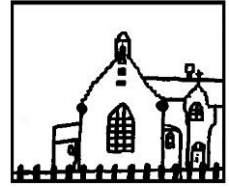
Contact details

If you have any queries regarding any aspect of the complaints procedure, please direct these to the clerk to governors: Mrs Charlotte Whyment (enquiries [@kltprimary.co.uk](mailto:enquiries@kltprimary.co.uk))

4. References

- The Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>
- The Data Protection Act 2019
<http://www.legislation.gov.uk/ukpga/2018/12/contents/enacted>
- Education Act 2002 <http://www.legislation.gov.uk/ukpga/2002/32/contents>
- The Department for Education *Best Practice advice for school complaints procedures*
<https://www.gov.uk/government/publications/school-complaints-procedures>

Appendix 1 – Formal Complain Form



Name	
Name of pupil, year group and your relationship to them (where applicable)	
Contact address	
Contact telephone day	Day: Mobile:
Contact email address	
Details of the complaint	
Action taken so far (including staff member who has dealt with it so far) or solutions offered	

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The reason why this was not a satisfactory resolution for you

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What action would you like to be taken to resolve the problem?

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Signed	
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Dated	
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Please submit to the clerk to governors: enquiries@kltprimary.co.uk

<i>Official use</i> Date received: Signed:
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