



**Ashby Hill Top Primary School**  
**School Complaints Policy & Procedure**  
**Next review February 2023**

### **Policy for Hearing and Dealing with Complaints**

Ashby Hill Top Primary School is committed to working in close partnership with all members of the school community. The school places great value on the role which parents and carers can play in supporting children's learning. Staff and governors actively encourage a positive relationship between the school and the families of children who attend the school.

If, at any time, a member of the Ashby Hill Top Primary School community has a concern about an aspect of life at the school, the concern will be dealt with by the school as quickly, sympathetically and effectively as possible. It is hoped that most concerns will be settled amicably at this stage.

However, if there is a continuing concern, this can be directed through the formal stages as outlined in the school's complaints procedure, detailed on the following pages.

To enable a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. Three months is considered to be a reasonable timeframe in which to raise a complaint and the school will investigate and respond to all complaints made within this timeframe. Complaints received after a longer time period may be considered by exception, where it can be shown that there were good reasons for not making the complaint earlier and where it is still possible to investigate the complaint properly.

All complaint information will be handled sensitively, telling only those who need to know and following any relevant data protection requirements.

### **Definitions and scope**

The DfE guidance explains the 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".

The school will resolve concerns through day-to-day communication as far as possible.

A **complaint** is defined as "an expression of dissatisfaction however made, about actions taken or a lack of action".

The school intends to resolve complaints informally where possible, at the earliest possible stage. There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.



**Ashby Hill Top Primary School**  
**School Complaints Policy & Procedure**  
**Next review February 2023**

Arrangements for handling complaints from parents of children with SEN about the school's support are within the scope of this policy. Such complaints should first be made to the class teacher/special educational needs co-ordinator (SENCO); they will then be referred to this complaints policy. Our SEN policy and information report includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

### **Time Scales**

We aim to resolve any complaint in a timely manner. Timescales are set out below in the relevant paragraph. The definition of a 'working day' is defined as a week day during term time when school is open and excludes weekends and bank holidays.

### **Ashby Hill Top Primary School Complaints Procedure**

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To this end all staff and governors are aware of the procedure to be followed if a complaint is raised. Also, whilst not wishing to encourage complaints, complainants should note that they have a duty to raise a matter as soon as conveniently possible. It can then be investigated more effectively whilst information is fresh in the minds of all parties.

The school operates a 3 stage complaints procedure. If the complaint concerns the conduct of the Headteacher it will be dealt with in accordance with Stage 3.

### **Stage 1: Informal Complaints**

#### **1. Concerns**

Most concerns, where a stakeholder seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Examples might include dissatisfaction about some aspect of teaching, disciplinary matters or issues outside the classroom.

Stakeholders should raise the concern initially with a teacher, relevant staff member or a member of the Senior Leadership Team as appropriate. The school will aim to resolve informal complaints within ten working days of being raised.

If the first approach is made to a governor, they will refer the issue and the complainant to the appropriate person and advise the complainant of this procedure. Governors must not act unilaterally 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 process.

#### **2. Unresolved concerns**

A concern which has not been resolved by informal means within ten working days from the receipt of the complaint can be escalated and notified as a formal complaint in accordance with Stage 2 below.

#### **3. Record of concerns**

In the case of concerns raised under Stage 1 of this procedure, the only record of the concern and its resolution will be file notes by the person dealing with the complaint and/or file correspondence between the person raising the concern and the respondent.



## **Stage 2: Formal Complaint**

### **4. Notification**

An unresolved concern under Stage 1, or a complaint which needs investigation, or a more serious dissatisfaction with some aspect of the school's policies, procedures, management or administration should be set out in writing with full details and sent with all relevant documents and full contact details for the attention of:

- The Executive Headteacher (for most complaints);
- The Chair of Governors (for complaints relating to the Executive Headteacher), or
- The Clerk of the Governing Body (for complaints relating to the Chair of Governors)

Should a formal written complaint be received by another member of the academy's staff, this should be immediately passed to the Executive Headteacher or Chair of Governors as appropriate.

### **5. Acknowledgement**

The complaint will be acknowledged in writing, normally within three working days of receipt during term time, and as soon as practicable during the holidays. The acknowledgement will indicate the action that is being taken and the likely timescale for resolution.

### **6. Investigation and resolution**

The Executive Headteacher or Chair of Governors may deal with the matter personally or delegate a senior member of staff or another governor to act as "investigating officer". The "investigating officer" may request additional information from the complainant and will fully investigate the issue. The Executive Headteacher or investigating officer will typically attempt to speak with the complainant to discuss the matter.

### **7. Outcome**

The aim is to inform any complainant of the outcome of an investigation and the resolution to the complaint in writing within 15 working days from the receipt of the complaint. Any complaint received during a school holiday or within 15 working days of the end of term or half term may take longer to resolve.

### **8. Record of complaints**

Correspondence, statements and records relating to individual complaints will be 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.

### **9. Unresolved Complaints**

Where the complainant is not satisfied with the school's response to their complaint they may have their complaint considered by an independent Complaints Panel.

## **Stage 3 – Complaint Heard by the Complaints Panel**

### **10. Request**

A request for a complaint to be heard by a Complaints Panel (an appeal) must be made in writing and within ten working days of the date of the decision made at Stage 2. The complainant should provide a copy of the original written complaint, a copy of the school's letter concluding Stage 2 and give specific details in writing of why they are not satisfied with the outcome and what resolution they are looking for.



**Ashby Hill Top Primary School**  
**School Complaints Policy & Procedure**  
**Next review February 2023**

### **11. Acknowledgement**

Where an appeal is received, the school will within three working days refer the matter to the Clerk to Governors, who will act as Clerk to the Complaints Panel. The Clerk will acknowledge, in writing, receipt of the appeal within three working days and inform the complainant of the steps involved in the process. The Clerk will be the contact point for the complainant.

### **12. Panel Hearing**

The Clerk will aim to convene an Appeal Panel hearing as soon as possible, normally no later than 20 working days after receipt of the Stage 3 request.

### **13 Panel Membership**

The Panel will consist of two non-staff Hill Top Governors who have not previously been involved in the complaint, and one person independent of the management and running of the school. In deciding the make-up of the Panel, Governors will try and ensure that it is a cross-section of the categories of Governor and sensitive to issues such as race, gender and religious affiliation. The Panel will select its own Chair.

### **14 The Remit of the Complaints Appeal Panel**

The Panel can:

- 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
- Recommend changes to the academy's systems or procedures to ensure that problems of a similar nature do not recur

The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the academy and the complainant. The panel chair will ensure that the proceedings are as informal as possible.

### **15. Attendance**

The following are entitled to attend a hearing, submit written evidence and address the Panel;

- The Complainant and/or one representative
- The Head of School and/or one representative
- Any other person who the Complaints Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision making

### **16. Evidence**

All parties will be given the opportunity to submit written evidence to the Panel in support of their position including;

- Documents
- Chronology and key dates
- Written statements setting out further detail

### **17. Roles and Responsibilities**

#### **The Role of the Clerk**

All panels considering complaints must be clerked. The clerk would be the contact point for the complainant and be required to:

- 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
- 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



**Ashby Hill Top Primary School**  
**School Complaints Policy & Procedure**  
**Next review February 2023**

- Record the proceedings
- Notify all parties of the panel's decisions

**The Role of the Chair of Governors or Nominated Governor:**

- Check that the correct procedure has been followed
- If a hearing is appropriate, notify the clerk to convene the panel

**The Role of the Chair of the Panel**

The Chair of the 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
- Key findings of fact are made
- Parents or 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. If a new issue arises it would be useful to give all parties, the opportunity to consider and comment on it.

**18. Decision**

The Panel will reach a decision, and make any recommendations within ten working days of the hearing. The decision reached is final.

**19. Notification of the Panel's Decision**

The Panel's findings will be sent, in writing, by the Clerk, to the complainant, the Governors and the Head of School and where relevant, to the person complained about. The letter will state the reasons for the decision reached and any recommendations made by the Panel. The complainant will be advised that the local authority has no role unless the complaint relates to a service provided by the local authority, and that the decision is final, although the complainant may still be able to raise their complaint with the EFA.

Complaints about academies can be made online at

<https://www.gov.uk/government/publications/complain-about-an-academy>

**20. Record Keeping**

The school will keep a record of all appeals, decisions and recommendations of the Complaints Panel. 21 Vexatious Complaints: If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. Please see Appendix C and D for further details of how such complaints will be dealt with and examples of behaviour which will not be tolerated.



**Appendix A**

Checklist for a Panel Hearing:

<input type="checkbox"/>	The hearing is as informal as possible
<input type="checkbox"/>	Witnesses are only required to attend for the part of the hearing in which they give their evidence
<input type="checkbox"/>	After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses
<input type="checkbox"/>	The Executive Headteacher may question both the complainant and the witnesses after each has spoken
<input type="checkbox"/>	The Executive Headteacher is then invited to explain the academy's actions and be followed by the academy's witnesses
<input type="checkbox"/>	The complainant may question both the Head of School and the witnesses after each has spoken
<input type="checkbox"/>	The panel may ask questions at any point
<input type="checkbox"/>	The complainant is then invited to sum up their complaint
<input type="checkbox"/>	The Executive Headteacher is then invited to sum up the academy's actions and response to the complaint
<input type="checkbox"/>	Both parties leave together while the panel decides on the issues
<input type="checkbox"/>	The chair explains that both parties will hear the panel within a set time-scale



**Ashby Hill Top Primary School**  
**School Complaints Policy & Procedure**  
**Next review February 2023**

**Appendix B**

**Complaint Form Ashby Hill Top Primary School- please return this form to the Executive Headteacher or Chair of Governors who will acknowledge receipt and explain the process**

<b>Your Name:</b>	
<b>Pupil's Name:</b>	
<b>Your relationship to pupil:</b>	
<b>Address:</b>	
<b>Daytime Tel:</b>	
<b>Mobile:</b>	
<b>E-mail:</b>	
<b>Brief details of your complaint:</b>	
<b>What action, if any, have you already taken to try to resolve your complaint. (Who did you speak to, when and what was the response?):</b>	
<b>What outcomes or actions are you looking for which you feel might resolve the problem at this stage?</b>	
<b>Are you attaching any paperwork? If so, please give details.</b>	
<b>Signed:</b>	<b>Date:</b>



## **Appendix C**

### **Policy on unacceptable behaviour**

The Governing Body recognises that it is the last resort for complainants. They also have a duty to ensure the safety and welfare of pupils, parents and staff. The Governors are committed to dealing with all complaints fairly and impartially and to providing a high-quality service to those who make them. As part of this service it would not normally limit the contact complainants have. However, the Governors do not expect the school's staff to tolerate unacceptable behaviour by complainants, for example, behaviour which is abusive, offensive, or threatening, and it will act to protect staff from such behaviour. This applies to unacceptable behaviour on any part of the school property or premises.

If the Executive Headteacher considers that a complainant's behaviour is unacceptable, the complainant will be told why their behaviour is deemed to be unreasonable and will be asked to change it. If the unacceptable behaviour continues the Executive Headteacher will act to restrict the complainant's contact with school.

### **Unacceptable actions and behaviours**

These are some of the actions and behaviours of unreasonable and unreasonably persistent complainants which we often find problematic. It is by no means an exhaustive list and local factors may vary, but these are examples that frequently come to our attention.

foul and abusive language towards staff, other parents and pupils  
behaviour that staff consider to be harassing and intimidating, including in person, over the telephone, or any other type of communication, including social media  
undermining school policies by actively encouraging pupils to ignore staff requests  
making unnecessarily excessive demands on the time and resources of staff, by for example excessive telephoning or sending emails to numerous staff, writing lengthy complex letters every few days and expecting immediate responses  
combinations of some or all of these

The decision to restrict access to our school will be taken by the Executive Headteacher. Any restrictions imposed will be appropriate and proportionate. The most likely options are:

requesting contact in a particular form (for example, letters only)  
requiring contact to take place with a named member of staff  
restricting telephone calls to specified days and times; and/or  
asking the complainant to enter into an agreement about their conduct

In all cases we will write to tell the complainant why we believe his or her behaviour is unacceptable, what action we are taking and the duration of that action.

Where a complainant continues to behave in a way which is unacceptable, we may decide to terminate contact with that complainant and discontinue any investigation into their complaint. However, the Governors will seek to limit any detriment to any pupils who attend the academy, as far as is reasonable within these circumstances e.g. access to parents' evenings, newsletters, and any other correspondence.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of our staff, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.



## Appendix D

### **Policy on unreasonably persistent complainants**

The Governing Body recognises that it is the last resort for complainants. It is also accountable for the proper use of public money and must ensure that that money is spent wisely and achieves value for complainants and the wider public.

The Governing Body is committed to dealing with all complaints fairly and impartially and to providing a high-quality service to those who make them. As part of this service it does not normally limit the contact complainants have with the academy.

However, there are a small number of complainants who, because of their frequent contact with the academy, hinder consideration of their or other people's, complaints. Such complainants are referred to as 'unreasonably persistent complainants' and, exceptionally, the Executive Headteacher will take action to limit their contact with academy.

### **Actions and behaviours of unreasonable and unreasonably persistent complainants**

These are some of the actions and behaviours of unreasonable and unreasonably persistent complainants which schools often find problematic. It is by no means an exhaustive list and factors may vary, but they are examples that may come to our attention.

- Refusing to specify the grounds of a complaint, despite offers of assistance with this from staff.
- Refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure's scope.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making what appear to be groundless complaints about the staff dealing with the complaints, and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds and/or denying statements he or she made at an earlier stage.
- Introducing new information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed questions which are particularly time consuming and costly to respond to and insisting they are all fully answered.
- Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.
- Adopting a 'scattergun' approach: pursuing a complaint or complaints with the academy and, at the same time, with a member of parliament/a councillor/the authority's independent auditor/the local authority/local police/solicitors/the ombudsman/Ofsted.
- Making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being looked into, by for example excessive telephoning or sending emails to numerous academy staff, writing lengthy complex letters every few days and expecting immediate responses.
- Submitting repeat complaints, after complaints processes have been completed, essentially about the same issues, with additions/variations which the complainant insists make these 'new' complaints which should be put through the full complaints procedure.
- Refusing to accept the decision – repeatedly arguing the point and complaining about the decision.
- Combinations of some or all of these.



**Ashby Hill Top Primary School**  
**School Complaints Policy & Procedure**  
***Next review February 2023***

- The decision to restrict access to the academy will be taken by the Executive Headteacher and will normally follow a warning to the complainant. Any restrictions imposed will be appropriate and proportionate. The options we are most likely to consider are:
- Requesting contact in a particular form (for example, letters only);
- Requiring contact to take place with a named member of staff;
- Restricting telephone calls to specified days and times; and/or
- Asking the complainant to enter into an agreement about their future contacts with us.

In all cases where we decide to treat someone as an unreasonably persistent complainant, we will write to tell the complainant why we believe his or her behaviour falls into that category, what action we are taking and the duration of that action. We will also tell them how they can challenge the decision if they disagree with it. If we decide to carry on treating someone as an unreasonably persistent complainant and we are still investigating their complaint six months later, we will carry out a review and decide if restrictions will continue.

Where a complainant whose case is closed persists in communicating with us about it, we may decide to terminate contact with that complainant. In such cases, we will read all correspondence from that complainant, but unless there is fresh evidence which affects our decision on the complaint we will simply acknowledge it or place it on the file with no acknowledgement.

New complaints from people who have come under the unreasonably persistent complainant's policy will be treated on their merits, but will not have the automatic right to be escalated through the school complaint policy stages.