

Complaints Policy



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Complaints Policy

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1. Aims

Our Trust aims to meet its statutory obligations when responding to complaints, both from parents/carers of pupils at the school, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Treat complainants with respect and courtesy
- Make sure any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school and trust improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The Trust will aim to give the complainant the opportunity to complete the complaints procedure in full. To support this, we will make sure we publicise the existence of this policy and make it available on our website, and on the websites of our schools.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

2. Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to the Education (Independent School Standards) Regulations 2014, which states that we must have and make available a written procedure to deal with complaints from parents of pupils in our trust. It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on creating a complaints procedure that complies with the above regulations, and refers to good practice guidance on setting up complaints procedures from the Department for Education (DfE).

This policy complies with our funding agreement and articles of association. In addition, it addresses duties set out in the Early Years Foundation Stage statutory framework with regards to dealing with complaints about the trust's fulfilment of Early Years Foundation Stage (EYFS) requirements.

3. Definitions and scope

3.1 Definitions

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

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3.2 Scope

This policy does **not** cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Suspension and permanent exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline
- Withdrawal from the curriculum (parents and carers can withdraw their child from any aspect of religious education, including the daily act of collective worship. They do not have to explain why)
Please see our separate policies for procedures relating to these types of complaint.
- Complaints about services provided by other providers who use Trust premises or facilities should be directed to the provider concerned.

4. Roles and responsibilities

4.1 The complainant

The complainant should:

- Follow these procedures
- Co-operate with the school or Trust throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed
- Treat all those involved with respect
- Not publish details about the complaint on social media

4.2 The investigator

An individual will be appointed to look into the complaint and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the headteacher or CEO which includes the facts and potential solutions

4.3 The Complaints Manager

The Complaints Manager is a designated member of staff providing administrative support.

The Complaints Manager will:

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- Keep the complainant up to date at each stage in the procedure
- Make sure the process runs smoothly by liaising with members of staff as appropriate.
- Be aware of issues relating to:
 - Sharing third-party information
 - Additional support needed by complainants; for example, interpretation support or where the complainant is a child or young person
- Keep records

5. Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

5.1 Timescales

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident. We will consider exceptions to this timeframe in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period.

If at any point we cannot meet the timescales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

5.2 Complaints about our fulfilment of early years requirements

We will investigate all written complaints relating to the trust's fulfilment of the Early Years Foundation Stage requirements and notify the complainant of the outcome within 28 days of receiving the complaint. Schools will keep a record of the complaint and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that a school is not meeting Early Year Foundation Stage requirements, by:

- Calling 0300 123 4666
- Emailing enquiries@ofsted.gov.uk
- Using the online contact form available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>

Schools will notify parents and carers if they become aware that they are to be inspected by Ofsted. Schools will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

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6. Stages of complaint

The complaints procedure consists of 3 stages, including an informal stage, a formal stage and a panel hearing.

6.1 Stage 1: Informal

The Trust will take informal concerns seriously and make every effort to resolve that matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of school staff or the headteacher, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact their school office.

The school will acknowledge informal complaints within two school days and investigate and provide a response within five school days.

The informal stage will involve a meeting or call between the complainant and a member of staff appointed by the school to look into the complaint and/or the subject of the complaint, if appropriate. Any relevant documentation will also be reviewed at this stage

If the complaint is not resolved informally, to the satisfaction of the complainant, it should be escalated to a formal complaint.

6.2 Stage 2: Formal

The formal stage involves the complainant putting the complaint in writing (unless the complainant has sufficient reason to request a reasonable adjustment be made to amend this). This letter should provide details such as:

- Relevant dates and times
- The names of witnesses of events
- What the complainant feels would resolve the complaint

The letter should be submitted alongside copies of any relevant documents.

Addressing the complaint

All Complaints should be directed to the Trust's Complaints Manager. This can be done either by:

Email: Complaints@theheathfamily.org.uk

Letter: The Complaints Manager, The Heath Family Trust, c/o Palace Fields Primary School, Badger Close, Runcorn, WA7 2QW

If complainants need assistance or advice in raising a formal complaint, they can contact the Complaints Manager as above.

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The complainant will receive written acknowledgement of their complaint within 3 school days.

The Complaints Manager will ensure that a senior member of staff from the school or Central Team is appointed to investigate, or, where the complaint involves a senior leader at the school or Trust, the Complaints Manager will appoint a senior leader from another school within the Trust as Investigator. If the complaint is against the CEO then a Trustee will be appointed to conduct the investigation.

The Investigator will meet with the complainant and any other relevant witnesses as well as reviewing any other evidence relevant to the complaint.

The written conclusion of this investigation will be sent to the complainant within five school days. If the Trust is unable to meet this deadline, the Complaints Manager will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions to be taken to resolve the complaint.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the Complaints Manager in writing within ten school days of receipt of the notification of outcome.

6.3 Stage 3: review panel

Convening the panel

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the stage two response.

The panel will be appointed by the Trust and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. Panel members must be independent of the management and running of the school and will be drawn from senior leaders or governors from one of the Trust's other schools. Where the complaint is against the CEO the panel will be drawn from Trustees.

The panel will have access to the existing record of the complaint's progress.

The complainant must have reasonable notice of the date of the review panel. The clerk will aim to find a date within ten school days of the request, where possible.

If the complainant rejects the offer of 3 proposed dates without good reason, the clerk will set a date. The hearing will go ahead using written submissions from both parties.

Any written material will be circulated to all parties at least five school days before the date of the meeting.

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At the meeting

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

At the review panel meeting, the complainant, and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish. We do not encourage either party to bring legal representation but will consider it on a case-by-case basis. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by their union.

Representatives from the media are not permitted to attend.

At the meeting, everyone will have the opportunity to give statements and present their evidence.

The outcome

The committee can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part

If the complaint is upheld, the committee will:

- Decide the appropriate action to resolve the complaint
- Where appropriate, recommend changes to the school or Trust systems or procedures to prevent similar issues in the future

The Complaints Manager will inform those involved of the decision in writing within five school days.

7. Referring complaints on completion of the school and Trust procedures

If the complainant is unsatisfied with the outcome of the school or Trust complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly. The ESFA will not overturn the school or trust's decision about a complaint but will intervene if a school or trust has:

- Breached a clause in its funding agreement
- Failed to act in line with its duties under education law
- Acted (or is proposing to act) unreasonably when exercising its functions

If the complaints procedure is found not to meet regulations, the Trust will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage: www.gov.uk/complain-about-school

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We will include this information in the outcome letter to complainants.

8. Persistent complaints

8.1 Unreasonably persistent complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it's already been resolved by following this complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory, or repetitive
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure, beyond all reason
- Pursues a valid complaint, but in an unreasonable manner, e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the timeframes it sets out
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

Steps the Trust will take

The Trust will take every reasonable step to address the complainant's concerns and give them a clear statement of the Trust's position and their options. The Trust will maintain the role of an objective arbiter throughout the process, including when meetings are held with individuals. The Trust will follow this complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the school or Trust in a disruptive way, communication strategies may be put in place. The school/Trust may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as Citizens Advice
- Put any other strategy in place as necessary

Stopping responding

The school/Trust may stop responding to the complainant when all of these factors are met:

- The school/Trust has taken all reasonable steps to help address their concerns
- The complainant has received a clear statement of the school's/Trust's position and their options
- The complainant contacts the school/Trust repeatedly, and the school/Trust believes their intention is to cause disruption or inconvenience

The Trust will inform the individual that they intend to stop responding and explain that any new complaints will still be considered.

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In response to any serious incident of aggression or violence, the school/trust will immediately inform the police and communicate these actions in writing. This may include barring an individual from the school/trust site.

8.2 Duplicate complaints

If the school/Trust has resolved a complaint under this procedure and received a duplicate complaint on the same subject from a partner, family member or other individual, the Trust will assess whether there are aspects that we had not previously considered, or any added information that needs to be considered.

If the Trust is satisfied that there are no new aspects, it will:

- Tell the new complainant that the issue has already been investigated and responded to, and that the local process is complete
- Direct them to the DfE if they are dissatisfied with the original handling of the complaint
- If there are new aspects, this procedure will be repeated.

8.3 Complaint campaigns

Where the school/Trust receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school/Trust may respond to these complaints by:

- Publishing a single response on the school/trust website
- Sending a template response to all the complainants

If complainants are not satisfied with the school's/Trust's response, or wish to pursue the complaint further, the normal procedures will apply.

8.4 Record-keeping and confidentiality

The Trust will record the progress of all complaints, including information about:

- Actions taken at all stages
- The stage at which the complaint was resolved
- The final outcome

The record will also include copies of letters and emails, and notes related to meetings and phone calls.

This material will be treated as confidential and stored securely and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and [records management policy / record retention schedule]. Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the Trust, who will not unreasonably withhold consent.

9. Learning lessons

The CEO will review any underlying issues raised by complaints to determine whether there are any improvements that the Trust can make to its procedures or practice to help prevent similar events in the future.

The Trust board will receive regular reports on the types of complaints received in order to support the development of appropriate support structures, and to inform any improvements to procedures or practice.

10. Links with other policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Suspension and permanent exclusion policy
- Staff grievance procedures
- Staff disciplinary procedures
- Special educational needs policy and information report
- Privacy notices

11. Monitoring arrangements

This policy will be reviewed and approved by the Trust Board every two years.