



# **Durrington Multi Academy Trust The Laurels Primary School Parent/Carer Complaints Policy 2020-2021**

## **Introduction**

### **Who can make a complaint?**

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Durrington Multi Academy Trust about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions) we will use this complaints procedure.

### **The difference between a concern and a complaint**

A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

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

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Durrington Multi Academy Trust takes concerns seriously and will make every effort to resolve the matter as quickly as possible. We will seek to address concerns raised or complaints made at the informal stage in the first instance.

The Executive Headteacher/Headteacher/Head of School/Complaints Officer will determine who is the appropriate member of staff to respond to the concerns you have raised.

We understand, however, that there are occasions when people would like to raise their concerns formally. In this case, Durrington Multi Academy Trust will attempt to resolve the issue internally at the appropriate school through the stages outlined within this complaints procedure.

## How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone. In the case of a formal complaint if made in person/by telephone it would need to be followed up in writing. Concerns should be raised in the first instance with the class teacher, subject teacher or company tutor. At DHS you may wish to contact the subject or company leader.

Complainants should not approach individual governors of the schools within the trust to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.

Complaints against school staff (except the Headteacher/Head of School/Executive Headteacher) should be made in the first instance to the Headteacher/Executive Headteacher via the school office. Please mark them as private and confidential.

Complaints that involve or are about the Executive Headteacher/Headteacher/Head of School should be addressed to Brian Marsh: Chair of Governors at Durrington High School or Kerry Jones: Chair of Governors at The Laurels Primary School via the school office. Please mark them as private and confidential.

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 which sets out how complaints procedures should be drawn up and used effectively to handle the complaints from parents of pupils. A written record will be kept of all complaints along with details of whether they were resolved following a formal procedure, or progression to a panel hearing. The academy will record the action it takes as a result of complaints (regardless of whether they are upheld). Correspondence, statements and records relating to individual complaints are to be kept confidential except when the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

## Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period. For those received in term time, they will be acknowledged within two working days. See below for the time scales in relation to the different stages.

### Stage 1

Stage 1 is the informal stage. In the case of a complaint by a parent, the first point of contact should be with the class/subject teacher or company tutor and the majority of issues should be resolved at this stage. In the case of a complaint by a member of the public, the school office should be the first point of contact. A decision will then be made as to which member of staff is best placed to deal with the complaint. A response to any informal concerns raised at this stage will generally be made within 5 school days. If a longer period of time is required, this will be communicated to the complainant and a new timescale agreed.

The member of staff who is dealing with the complaint should ensure that the complainant is reassured that the matter will be investigated and is clear what action has been agreed. All parties should be aware of the need for confidentiality.

A brief record of any telephone calls, meetings and agreed actions should always be kept, although it is not always necessary to provide the complainant with a written record at this stage. The Complaints Co-ordinator / Line-Manager should monitor these records.

If either the complainant or staff member feels the matter needs to be taken further, the Head of School/Headteacher or a senior member of staff should be contacted.

## Stage 2

Formal complaints must be made to the Executive Headteacher/Headteacher/Head of School (unless they are about the Executive Headteacher/Headteacher/Head of School), in writing. The Executive Headteacher/Headteacher/Head of School will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within five school days.

The Headteacher/Head of School can consider whether a face-to-face meeting is the most appropriate way of doing this and who will lead on the complaint.

During the investigation, the member of staff leading on the matter will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the school leader will provide a formal written response within 20 school days of the date of receipt of the complaint.

If they are unable to meet this deadline, they 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.

## Stage 3

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3: A panel will be convened consisting of two governors and one person who is independent of the management and running of the academy. It is a matter for the academy to identify suitably independent individuals who can fulfil this role. This is the final stage of the complaints procedure.

A request to escalate to Stage 3 must be made to the appropriate clerk of the schools governing body, via the school office, within 5 school days of receipt of the Stage 2 response. At Durrington High School this is Mrs P Potter and at The Laurels Primary School this is Mrs M Walker.

The clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply; this decision will be made by the Chair of Governors.

The clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 school days of receipt of the Stage 3 request. If this is not possible, the clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of two proposed dates, without good reason, the clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

Any governor on a complaints panel will not have had prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Panel. If governors from the school are not available, the clerk will source any additional, independent governors through the trust or another local school, in order to make up the panel.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the panel meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

*Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least 5 school days before the meeting, the clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible;
- request copies of any further written material to be submitted to the panel at least 5 school days before the meeting. This is important and only in exceptional circumstances will anything be considered after this time.

Any written material will be circulated to all parties at least 5 days before the date of the meeting. The panel will not accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

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 must be sought before and recording takes place. Consent will be recorded in any minutes taken.

The panel will consider the complaint and all the evidence presented. The panel can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the panel will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the Panel will provide the complainants, the school, and where relevant the person complained about, with an explanation of their decision and the reason(s), in writing, within 20 school days. The findings and recommendations of the panel will be available for inspection on the school premises by the proprietor and the Executive Head teacher.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by the school.

If the complaint is:

- jointly about the chair and vice chair or
- the entire governing body or
- the majority of the governing body

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 the school/trust will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

## **Next Steps**

If the complainant believes the school 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 Department for Education after they have completed Stage 3.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the school. They will consider whether the school and trust has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on 0370 000 2288 or by writing to

Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD.

### **Additional information and evidence**

Durrington Multi Academy Trust is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with our school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Durrington Multi Academy Trust defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, for example, if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process;
- refuses to accept that certain issues are not within the scope of the complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice;
- introduces trivial or irrelevant information which they expect to be taken into account and commented on;
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);

- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with;
- uses threats to intimidate;
- uses abusive, offensive or discriminatory language or violence;
- knowingly provides falsified information;
- publishes unacceptable information on social media or other public forums;
- publishes information relating to the complaint on social media/press.

The above list is not exhaustive and Durrington Multi Academy trust retains the right to consider other behaviours as unreasonable. Complainants should try to limit their communication with the school that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached and puts unnecessary additional pressure on school staff.

Whenever possible, the Executive Headteacher/Headteacher/Head of School or Chair of Governors will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the Executive Headteacher/Headteacher/Head of School will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after twelve months.

In response to any serious incident of abuse, threatening behaviour, aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from the school.

**Reviewed September 2020**