

# Viking Academy Trust



## COMPLAINTS PROCEDURE Policy

Approved by the Trust: Term 5 2023

Reviewed biennially: Term 5. This is a statutory policy

Last review date: Term 5 2025

Signed:

A handwritten signature in black ink, appearing to read 'A. Roby', is placed over a faint rectangular stamp.

Chair of Trust

# COMPLAINTS PROCEDURE POLICY

## Viking Academy Trust

**Empowering Children Through Education: One Childhood One Chance**

Schools in the Viking Academy Trust (VAT)

These are:

**Chilton Primary School**

**Ramsgate Arts Primary School**

**Upton Junior School**

**This 'Complaints Procedure' policy is for all the aforementioned schools**

### INTRODUCTION

1. This is the procedure for dealing with complaints for the Viking Academy Trust and applies to all schools in the Trust. Within this document, where the word “school” or “academy” is used, it applies to all within the Viking Academy Trust.
2. This procedure will apply to most general complaints received by a school. It is not intended to cover those matters for which there is a specific statutory process to object, complain or appeal.
3. Complaints about delivery of the National Curriculum and the provision of religious education and collective worship should be handled under the requirements of Section 409 of the Education Act 1996.
4. Separate procedures also exist for appeals about special needs assessments and school admissions and exclusions. (See the respective SEN and Admissions Policies)
5. Concerns about allegations of child abuse and staff discipline must be dealt with through the separate agreed procedures that have been adopted for these purposes.
6. Guidance on dealing with complaints linked to racism is contained in Annex B.
7. The school has made parents aware of the existence of the complaints procedure through inclusion in the school’s prospectus and on the school and trust websites.

### AIMS

Although in an ideal world, complaints would not exist, when they do arise it is important that they are dealt with promptly and courteously. Complaints can be viewed as a positive means of improving the school’s performance and efficiency. Therefore, we will always endeavour to treat them as constructively as possible.



In order to investigate your complaint as fully as possible the Viking Academy Trust Board has a staged process. Most issues are sorted out informally and we would recommend that you try this approach first. However, if you feel that there is nothing to be gained and you wish to make a formal complaint you have the right to go straight to stage 1 of the complaints procedure.

## **GENERAL PRINCIPLES**

- The resolution of a complaint provides the potential opportunity for the school to improve its practice and develop further a strong partnership with parents.
- The complaints procedure should be easily accessible and well publicised, so that parents (and others ie members of the public) know how to raise concerns.
- It is desirable for any concern/complaint to be addressed by a member of staff/ governor at a level closest to the cause for the concern.
- Procedures should be as speedy as possible, consistent with fairness to all
- A complaint is distinct from any formal disciplinary procedure. Staff who may be questioned as part of a complaints procedure must be treated fairly and have an opportunity to put their case. They should be offered support in responding to any investigation into a complaint.
- If it becomes apparent to the Executive Headteacher or Chair of Local Advisory Body (LAB) that the parent's concern/complaint has the potential to be a disciplinary issue, professional advice should be immediately sought. Advice is also available from the Education Funding Agency.
- Confidentiality is important in securing the confidence of all concerned. Conversations and correspondence must be treated with discretion. Parents need to feel confident that a complaint will not disadvantage their child. However, the parties to a complaint should realise that some information may have to be shared to carry out a thorough investigation.
- If the investigation of a complaint shows that it is justified, then the school should consider how to make amends in an appropriate way.
- Staff and governors in Viking Academy Trust schools should have the opportunity to take part in training or briefing to raise their awareness of the procedures and develop their skills in dealing with people who wish to complain.
- All complaints should be recorded and monitored to identify issues and allow any lessons to be learned by the school.
- Every complaint should be acknowledged as "genuinely felt" by the complainant.

### **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
- Respect complainants' desire for confidentiality

- Treat complainants with respect and courtesy
- Make sure that 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 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 school 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 the school website.

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

## TERMS USED

For the purpose of the complaints policy, a “parent” includes the natural or adoptive parent of a pupil, irrespective of whether they are or ever have been married, whether they are separated or divorced, whether the child lives with them, whether the father has parental responsibility for the child or whether they have contact with the pupil.

A “parent” will also include a non-parent who has parental responsibility for a pupil, an adult non-parent with whom the pupil lives, and an adult who is involved in the day-to-day care of the pupil (for example, collecting or dropping off the pupil from school)

Any reference to a “pupil” will also include a prospective or former pupil of the school

A person making a complaint will be referred to as a “Complainant” throughout this complaints policy. We recognize the ‘complainant’ may be a member of the public and not have direct connection with the school / Trust.

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”

## 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 at the school.

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.

## Scope

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
- 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 school premises or facilities should be directed to the provider concerned.

## Roles and responsibilities

### The complainant

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Co-operate with the school throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed

- Treat all those involved with respect
- Do not publish details about the complaint on social media

## **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 Executive headteacher or complaints committee, which includes the facts and potential solutions

## **The complaints co-ordinator\***

The complaints co-ordinator can be:

- The head of school / Executive Headteacher or CEO in multi-academy trusts
- The designated complaints governor
- Any other staff member providing administrative support

The complaints co-ordinator will:

- Keep the complainant up to date at each stage in the procedure
- Make sure the process runs smoothly by liaising with staff members, the head, Executive Headteacher, chair of governors, clerk and CEO and chair of trustees.
- 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

## **Clerk to the governing board\***

The clerk will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

## **Committee chair\***

The committee chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

\* Stage 4

## 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

## PROCEDURE

The Viking Academy Trust school's complaints procedure consists of four stages:

Stage 1 – Concerns and difficulties, dealt with informally;

Stage 2 – Complaints formally investigated by the Executive Headteacher / Head of School (or designate);

Stage 3 – Complaints formally reviewed by the Chair of Local Governors (or designate);

Stage 4 – Complaint Panel Hearing.

## Time scales

The Viking Academy Trust aims to resolve concerns, difficulties and complaints in a timely manner. Time limits for each stage of the procedure are set out under each individual stage. For the purposes of this Complaints Policy, a "school day" is defined as a weekday during term time, when the School is open to children. The definition of "school day" excludes weekends, school holidays and bank holidays. For the avoidance of doubt, Viking Academy Trust term dates are published on the Trust and individual Viking school's websites, and information about term dates is made available to parents and pupils periodically.

Although every effort will be made by the Trust to comply with the time limits specified under each stage of the procedure, it may not always be possible to do so, for example due to the complexity or number of matters raised, or due to the unavailability of the Complainant to attend a meeting, if offered.

In all cases, where a time limit cannot be complied with, the Viking school concerned will write to the Complainant within the specified time limit, setting out the reasons why the time limit cannot be complied with, and confirming the new time limit which will apply.

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

## LATE COMPLAINTS

Where a complaint is submitted more than three months after the incident or event (or where the complaint relates to a series of incidents or events, more than six months from the date of the latest incident or event), **the Trust reserves the right to refuse to investigate the complaint under this Complaints Policy if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.**

Where the Trust decides that a complaint which was submitted late will not be investigated, the Viking school concerned will write to the Complainant notifying them of the decision within **5 school days** of the complaint being received. If the Complainant is unhappy with the decision not to investigate a complaint which was submitted late, the Complainant may write to the Chair of Local Governors at the School asking for the decision to be reviewed.

The Chair of Local Governors will be provided with all documentation relating to the complaint, together with the letter from the School to the Complainant, and will review the decision not to investigate the complaint. The Chair of Local Governors will not investigate the complaint itself during this review. The Chair of Local Governors will write to the Complainant with the outcome of the review within **10 school days** of the date that the letter from the Complainant seeking the review was received, and provide the School with a copy of the letter.

If the Chair of Local Governors quashes the decision not to investigate the complaint, it will be referred to the School to be dealt with under this Complaints Policy in the usual way.

If the Chair of Local Governors upholds the decision not to investigate the complaint, the Complainant may refer the concern or complaint to the Education Funding Agency using the procedure stated towards the end of this Complaints Policy. In exceptional circumstances, the Chair of Local Governors can delegate the responsibility for the review to the Vice-Chair of Local Governors.

## Complaints about our fulfilment of early years requirements

We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint (see section 10) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4666, or by emailing



[enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk). An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

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

## **ANONYMOUS COMPLAINT**

The Trust will not investigate anonymous complaints under the procedure in this Complaints Policy. Anonymous complaints will be referred to the Executive Headteacher who will decide what, if any, action should be taken.

## **RESOLUTION PRINCIPLES**

It is in everyone's interest that concerns, difficulties and complaints are resolved to the satisfaction of all parties at the earliest possible stage. The way in which the concern, difficulty or complaint is dealt with after the matter is first raised by the Complainant can be crucial in determining whether the complaint will escalate.

To that end, members of staff will be periodically made aware of the procedure in this Complaints Policy, so that they will know what to do when a concern or difficulty is raised with them. At each stage of the complaints procedure, the investigator will consider how the complaint may be resolved. In considering how a complaint may be resolved, the investigator will give due regard to the seriousness of the complaint.

It may be appropriate in order to bring the complaint to a resolution for the investigator to offer:

- An explanation;
- An apology;
- Reassurance that steps have been taken to prevent a recurrence of events which led to the complaint;
- Reassurance that the School will undertake a review of its policies and procedures in light of the complaint.

**None of the above will constitute an admission of negligence or an acceptance of liability on behalf of the Viking Academy Trust.**

## **CONFIDENTIALITY**

All correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State, a school inspector, or under another legal authority.



## **PUBLICATION**

This Complaints Policy is published on the Trust and individual Viking school's website and provided to parents on request by the School's office. A copy of this Complaints Policy will be provided to a Complainant when a concern, difficulty or complaint is first raised.

### **Stage 1 – CONCERNS AND DIFFICULTIES, DEALT WITH INFORMALLY GUIDELINES**

- The vast majority of concerns and complaints can be resolved informally, often straight away by the class teacher, Head of Year or Head of School.
- The Trust aims to ensure that parents feel able to raise concerns with staff without undue formality, either in person, by telephone or in writing. There may be occasions when it is appropriate or helpful for someone to accompany or act on behalf of a parent.
- Parents may not be clear at first that they are making a complaint. They may wish to ask a question or express an opinion. A preliminary discussion with school staff will usually clarify the issue and help parents to decide whether they wish to take the matter further.

### **PROCEDURE**

1. Parents should have an opportunity for informal discussion of their concerns with an appropriate member of staff. This discussion should aim to clarify the nature of the parent's concern and assure them that the school wishes to hear about it. The discussion should also aim to clarify what kind of outcome the parent is seeking.
2. If the member of staff first contacted cannot deal with the matter immediately, s/he should make a firm arrangement to deal with it at a future date or refer the matter to the Head of School or another appropriate member of staff. In either case a note of the name, date and contact details of the complainant should be taken. The first contact should check to make sure the referral has been successful.
3. Staff should seek advice from their line manager if they are unsure of how to deal with the matter raised. Any matter that could potentially result in the following should be referred immediately to the Head of School: legal or insurance claim, action under the staff disciplinary procedures, child protection matters, complaints relating to employment practice.
4. If the concern relates to the Head of School and the parent feels unable to raise it with the Head of School they should be advised to contact the Executive Headteacher. If the concern relates to the Executive Headteacher they should be advised to contact the Chair of Local Governors.
5. The staff member/Head dealing with the complaint should make sure that the complainant is clear about what will happen next (if anything). This should be put in writing if it seems the best way of making the next steps or outcome clear.

6. If no satisfactory solution has been found, the complainant should be informed about how they should proceed if they wish to take their complaint further. They should be informed of any advice and support that may be available to them.

7. The School will aim to resolve a concern or difficulty within fifteen school days of the date that it was raised. Where a concern or difficulty has not been resolved by informal means within this time limit from the date that it was raised, the complainant can submit matters raised as a formal complaint under stage 2 of the complaints policy.

## **Stage 2 - FORMAL COMPLAINT TO HEAD / EXECUTIVE HEADTEACHER OR CHAIR OF GOVERNORS GUIDELINES**

- The Head of School or Deputy/Assistant Head in his/her absence, needs to determine who has responsibility for responding to a formal complaint, including the decision about his/her own involvement at various stages.
- If the complainant is dissatisfied with the action of the Head of School, or the Head of School has been very closely involved informally, the Executive Headteacher should carry out all the Stage Two procedures, with support if necessary from the Chair of Local Governors, and with professional advice if necessary. Advice is also available from the Education Funding Agency.
- Individuals on the local advisory body should not become involved at this stage to avoid prejudicing their possible future involvement.

## **PROCEDURE**

1. Parents who wish to pursue a formal complaint at Stage Two should be asked to put the complaint and their desired outcome in writing to the Executive Headteacher or Chair of Local Governors using the Formal complaints form (Annex C).

The Executive Headteacher or Chair of Local Governors (or designated member of staff) should acknowledge the complaint orally or in writing within three school days of receipt giving a brief explanation of the complaints procedures and a target date for providing a response. Ideally, this should be within ten school days. If it is not possible to deal with the matter in this time, the complainant should be informed of when it is likely to be concluded.

2. The Executive Headteacher or Chair of Local Governors (or a designated member of staff) may offer an opportunity for the complainant to meet him/her. The complainant should, if she/he wishes, be allowed to be accompanied by a friend or relative who can speak on his/her behalf. Interpreting facilities should be made available if required.

3. If necessary, the Executive Headteacher or Chair of Local Governors (or a designated member of staff) should interview any witnesses and take statements from those involved. If the complaint concerns a pupil, the pupil should also be interviewed, normally with parent/guardian

present. In some circumstances this may not be possible or appropriate and a senior member of staff with whom the pupil feels comfortable should attend with him/her.

If a member of staff is complained against, the needs of that person should be borne in mind. Advice may need to be sought from professionals or from the Education Funding Agency.

4. The Executive Headteacher or Chair of Local Governors (or designated member of staff) should keep written records of meetings, telephone conversations and other documentation.

5. Once all the relevant facts have been established, the Executive Headteacher or Chair of Local Governors (or designated member of staff) should either write to the complainant or arrange a meeting to discuss or resolve the matter. This meeting should be followed up with a letter summarising the outcome of the meeting. The complainant should be advised in this letter that if they remain unhappy with the outcome, s/he may have the decision reviewed by a member of the Chair of Local Governors, or designated member of the Trust Board, if the Chair of LAB has been involved in this stage.

6. The complainant should notify the Chair of Local Governors within ten school days of receiving the letter detailing the outcome of the complaint.

### **Stage 3 – REVIEW BY CHAIR OF LOCAL GOVERNORS GUIDELINES**

- Complaints will reach this stage if the complainant is dissatisfied with the outcome in stage 2. No new matters can be raised in this stage. Only documentation referenced in stages 1 and 2 can be reviewed
- In appropriate cases, the Chair of Local Governors may delegate this review to the Vice-Chair or a member of the Trust Board, if previously being involved at stage 2, in accordance with the procedure and guidelines outlined below.

### **PROCEDURE**

1. If the Complainant is unsatisfied with the outcome of the complaint under Stage 2 of this Complaints Policy, the Complainant may write to the Clerk to the Local Governors asking for the complaint to be reviewed by the Chair of Local Governors, within five school days of receiving the letter confirming the outcome following Stage 2.
2. The Complainant should not repeat the matters raised in their original letter or attach documentation already provided, but should clearly set out how and why the Complainant does not accept the findings made under Stage 2.
3. The Complainant's letter will be acknowledged within five school days of receipt. The acknowledgement letter will confirm the date that the formal complaint was received, the action to be taken and the specified time limit.

4. The Chair of Local Governors will be provided with all documentation relating to the complaint within five school days of receipt of the letter requesting a review under Stage 3, including the record of the Stage 1 informal procedure (if applicable), the original letter of complaint or Complaint Form, any documentation provided by the Complainant with their complaint, all investigation records under Stage 2, and the letter of outcome under Stage 2.

5. The Chair of Local Governors will review all of the documentation received and consider the matters raised in complaint and the investigation carried out under Stage 2. The Chair of Local Governors will only speak to the persons involved in the matters raised to clarify matters which were not confirmed during the Stage 2 investigation, if believed necessary. Where the Chair of Local Governors does speak to a pupil or a member of staff whose conduct is in issue, they will be accompanied as outlined under Stage 2.

6. If the Chair of Local Governors deems it to be appropriate in relation to the matters raised, the Complainant will be offered a meeting to discuss the issues raised. If a meeting is deemed appropriate, it will usually take place after the review has been completed with the aim of reaching a mutually acceptable resolution.

7. The Chair of Local Governors will write to the Complainant confirming the outcome of the review within twenty school days from the date that the request for a review was received. The letter will set out whether the Chair of Local Governors agrees with the findings and conclusion under Stage 2, and give reasons, as well as responding to any criticisms of the Stage 2 investigation.

The letter will inform the Complainant that, if they are unsatisfied with the outcome of the Stage 3 review, they should write to the Clerk to the Local Governors within five school days of receipt of the letter requesting a Complaint Panel Hearing under Stage 4 of this Complaints Policy.

#### **Stage 4 - APPEAL TO PANEL OF TRUSTEES**

##### **GUIDELINES**

- Complaints only rarely reach the appeal stage. At this stage, the Chair of Local Governors may wish to seek advice from professional personnel and/or the Education Funding Agency.
- The aim of the appeal to a panel of Trustees is to resolve the complaint and achieve reconciliation between the school and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action, and to satisfy the complainant that their complaint has been taken seriously.
- It is important, should a complaint reach the appeal stage that the Trustees are impartial and independent and are seen to be so. Individual complaints should not be considered by the full board of Trustees. The Board of Trustees will, therefore, establish a panel to deal with complaints by nominating a pool of Trustees or local governors from which two can be drawn for any hearing and an independent member not involved with the management or running of the school.

- Panel members should have had no prior involvement with the complaint. Generally, the Chair of Local Governors is not on the panel as s/he may be involved at the earlier stage.

The Board of Trustees and local Advisory Bodies should have regard to the advantages of having a mix of types of governor on the panel and be sensitive to issues of equal opportunity in the composition of the panel.

- Individual governors should not get involved in looking into complaints before this stage to avoid prejudicing their potential involvement. If individual governors/trustees are approached by parents or others with complaints, they should refer the complainant to the Trust's complaints procedure, making the necessary introduction to a member of staff or Head if appropriate.
- Complaints that reach the appeal stage will do so because the complainant is not satisfied with the response so far. In this situation it is perhaps helpful for the Board of Trustees to view any complaint as being against the Viking school rather than an individual staff member whose actions may have led to the original complaint.
- Complainants that are not satisfied with the way in which their complaint has been handled by the school, are to be made aware of the Education Funding Agency's complaints system which can be found at the following:

<https://www.education.gov.uk/schools/leadership/schoolperformance/schoolcomplaints-form>

## PROCEDURE

Upon receipt of a written request from the complainant for the complaint to proceed to Stage four, the following procedure should be followed. A suitable clerk to the panel should be appointed.

1. The clerk should write acknowledging receipt of the written request, informing the complainant that a committee of the Board of Viking Trustees will hear it within 15 school days of receipt.
2. The clerk should convene a meeting of the complaints committee at a time that is convenient for the complainant and the Trust.
3. The clerk should ensure that the complainant, Executive Headteacher and any other witnesses are given at least five school days' notice in writing of the date, time and place of the hearing or otherwise are in full agreement of a shorter timescale.

The letter of notification to the complainant should also inform him/her of their right to be accompanied by a friend/relative who can act as an advocate. The chair should ensure that interpretation facilities for the hearing are offered and made available if required. The letter should set out the procedure for the conduct of the hearing (see appendix 1) and the complainant's right to submit further written evidence to the committee.

4. The clerk should invite the Executive Headteacher to attend the hearing and to submit a written report for the committee in response to the complaint. The Executive Headteacher may also invite the Chair of Local Governors or any other members of staff directly involved in matters raised by the complainant to respond in writing and/or in person to the complaint. Any involvement of other staff should be at the discretion of the chair of the committee.
5. All relevant documents should be received by all parties, (including the complainant) at least five school days before the meeting of the panel. This provides adequate opportunity to read them prior to the start of the meeting.
6. An officer from the Education Funding Agency and/or a professional advisor may be invited to attend the meeting to advise the committee.
7. The panel should elect a chairperson who should ensure that proper minutes of the meeting are taken.
8. The chair of the panel should try to ensure that the proceedings are sufficiently informal as possible and that the complainant and other participants feel at ease.
9. At the conclusion of the representations and questions, the chair should explain that the panel will consider the issues and write to both
10. All except for the Trustees' panel and any advisers should then withdraw and the panel should consider the evidence. This should include: a judgement about the validity of the complaint; appropriate action to be taken by the school and/or the parent; and where appropriate, recommendations on changes to the school's systems or procedures to ensure similar problems do not arise in the future.
11. The school should ensure that a copy of all correspondence and notes are kept confidentially on file in the school. This should be separate from pupils' personal records.
12. The broad outcomes recommended by the panel can be reported to the next full Local Advisory Body and Trustees meeting with the identity of all those taking part kept confidential. The Board of Trustees should monitor implementation of the recommendations.

## **Referring complaints on completion of the school's procedure**

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the Education and Skills Funding Agency (ESFA). The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a school'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 school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

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

## Persistent complaints

### 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 the school's 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 we will take

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

If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. We 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

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options



- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

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

Please see Vexatious Policy for further information

## Duplicate complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and that the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

## Complaint campaigns

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

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

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

## Record keeping

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, 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 through a subject access request 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 record retention schedule.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.

Where the governing board is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

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 governing board, who will not unreasonably withhold consent.

## Learning lessons

The Board of Trustees (or LAB if delegated responsibility) will review any underlying issues raised by complaints with the Executive Headteacher and or Head of School, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

## Monitoring arrangements

The Board of Trustees will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly. The Board of Trustees / LAB will track the number and nature of complaints, and review underlying issues as stated in section 11.

The complaints records are logged and managed by the Executive Headteacher.

This policy will be reviewed by the Executive Headteacher every two years.

At each review, the policy will be approved by the Board of Trustees.

## 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
- SEN policy and information report
- Privacy notices
- Vexatious Parents Policy

## **Appendix 1:**

### **Model Procedure for the Conduct of a Stage 4 Governors Panel Hearing**

1. The chair of the committee should invite all parties (except any witnesses) into the room, introduce them and explain the role of each person.
2. The chair should explain to all present that the purpose of the hearing is to review the complaint and try to resolve it and achieve reconciliation between the school and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action.
3. The chair should then ascertain whether the proposed procedure is acceptable. If so, the meeting will proceed along the following lines
  - i. The complainant describes her/his complaint and may call witnesses.
  - ii. The Head may seek clarification from the complainant and any witnesses.
  - iii. The governors' panel or its advisers may seek clarification from the complainant and any witnesses.
  - iv. The Head will respond to the complaint and may call witnesses.
  - v. The complainant may seek clarification from the Head and any witnesses.
  - vi. The governors' panel (including any Advisers) may seek clarification from the Head and any witnesses.
  - vii. The Head will be given the opportunity to sum up.
  - viii. The complainant will be given the opportunity to sum up. ix. Both parties will leave the room to allow the panel to deliberate but any advisers may remain to offer technical and procedural advice.
4. The panel should make a decision or judgement on:
  - the validity of the complaint; appropriate action to be taken by the school and/or parent; and where appropriate, recommendations on changes to the school's systems or procedures to ensure similar problems do not arise in the future.
5. The decision or judgement will be confirmed in writing within 5 days.

## **Appendix 2:**

### **Dealing with Complaints about Racism in Schools**

#### 1. Racist Behaviour to a Child

The procedures to be followed are stipulated in the guidance on reporting bullying as identified by the nine characteristics of the Equality Act 2010.

#### 2. Racist Incident Alleged Against School Staff

i. The report/complaint should be made to the Head of School, or if the head of School is the subject of the report/complaint, to the Executive Headteacher. If the Executive Headteacher is the subject of the report/complaint, to the Chair of the Trust;

ii. As racism is a disciplinary offence, the normal disciplinary procedures are followed.

#### 3. Institutional Racism

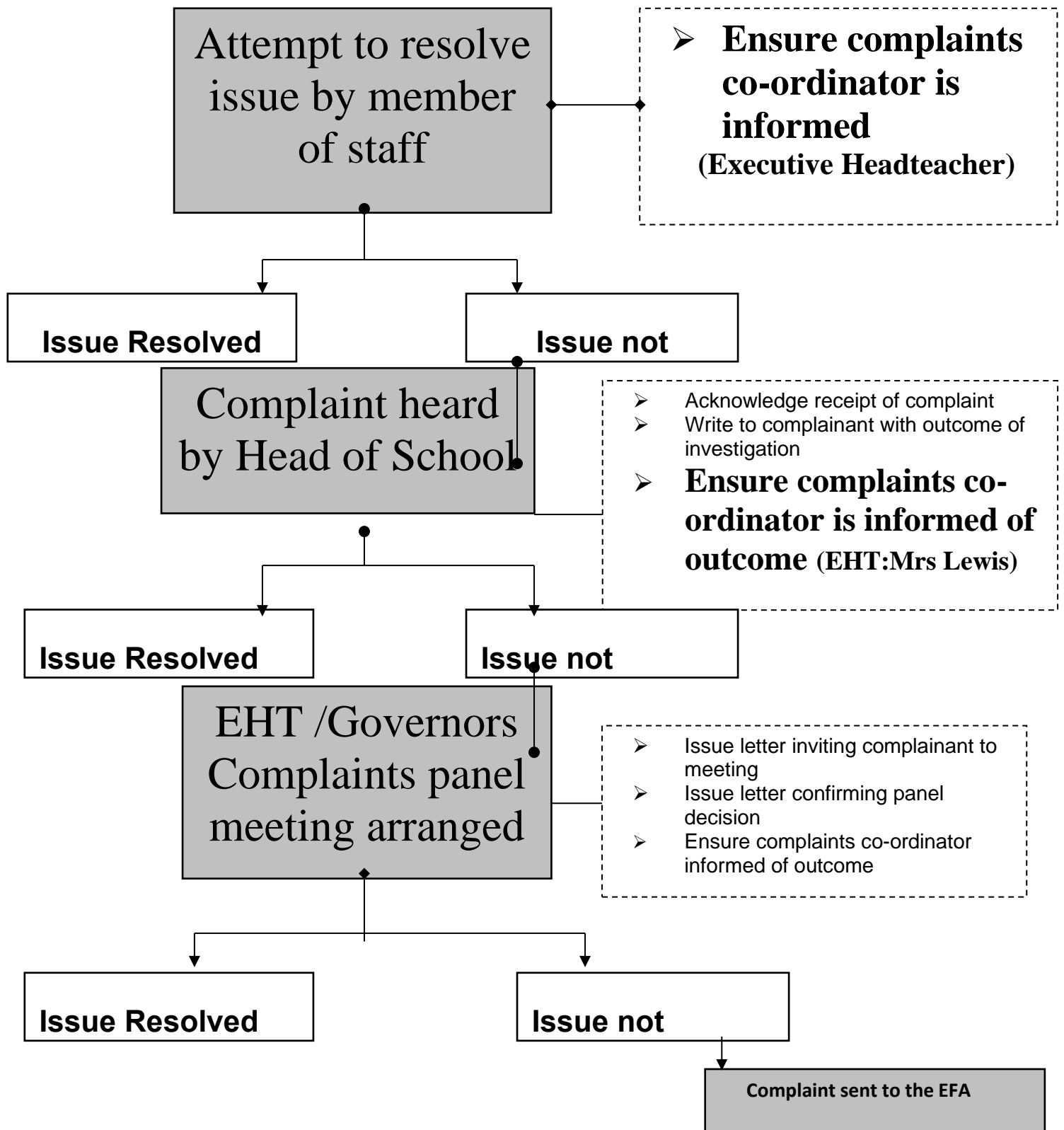
Parents who perceive that racist practice or policies are operated by the school should pursue these through the General Complaints Procedure.

## **Appendix 3:**

### **[VIKING ACADEMY TRUST COMPLAINTS FORM](#)**

Please click link above to access the form.

Flowchart of complaints



## Appendix 5 - How to Listen to Complaints

When you realise that you are listening to a complaint, try to remember these points:

<b>Don't pass the buck</b>	<i>Try not to keep transferring an angry person from one place to another. Take the responsibility to ensure the right person deals with it if you cannot deal with it yourself.</i>
<b>Don't be flippant</b>	<i>First impressions count. You and the school may be judged on your immediate reaction.</i>
<b>Treat all complaints seriously</b>	<i>However small or trivial it may seem to you, the complaint will be an important problem for anyone who takes the trouble to complain. Access to the procedure is a right which should not be restricted by a judgement as to the seriousness of the issue.</i>
<b>Treat every complaint individually</b>	<i>Even if you have already received several similar complaints the same day, it is probably the person's first chance to have their say.</i>
<b>Be courteous and patient</b>	<i>Be sympathetic and helpful, but do not blame other colleagues.</i>
<b>Say who you are</b>	<i>If you are unknown to the other person, introduce yourself.</i>
<b>Ask for their name and use it</b>	<i>Anonymous complaints are acceptable only where there are special circumstances.</i>
<b>Take time to find out exactly what the problem is</b>	<i>It is easy for someone to forget to tell you an important detail, particularly if they are upset or annoyed. Asking what outcome the complainant seeks is a good way to find out what it is really all about and will help you to know if you can resolve it</i>
<b>Don't take the complaint personally</b>	<i>To an angry or upset person, YOU are the school, and the only one they can put their feelings to right now.</i>
<b>Stay cool and calm</b>	<i>Do not argue - be polite and try to find out exactly what the person thinks is going wrong, or has gone wrong.</i>
<b>Check you are being understood</b>	<i>Make sure that the person understands what you are saying. Don't use jargon - it can cause confusion and annoyance to someone 'not in the know'.</i>
<b>Don't rush</b>	<i>Take your time. Let people have their say, and let off steam if they need to. Listen carefully and sympathetically to their problems before replying and attempting to find a solution or offer a next step.</i>

## Appendix 6

### **How to raise concerns or to make a complaint about the school** (*Summary of Complaints Policy*)

**If you have a concern or complaint** we would like you to tell us about it. We welcome suggestions for improving our work in school. Be assured that no matter what the problem is, our support and respect for you and your child in school will not be affected in any way. Please tell us of your concern as soon as possible. It is difficult for us to investigate properly an incident or problem that happened some time ago.

#### **What to do first**

Most concerns and complaints can be sorted out quickly by speaking with your child's class teacher, following that the Head of Year / Phase Leader. Any teacher or member of the administrative staff can put you in contact with the right member of staff to talk with in the first instance.

If you have a complaint that you feel should be looked at by the Head of School in the first instance you can contact her/him straightaway if you prefer. It is usually best to discuss the problem face to face. You may need an appointment to do this, and you can make one by emailing them directly or calling into the school office. You can take a friend or relation to the appointment with you if you would like to.

All staff will make every effort to resolve your problem informally. They will make sure that they understand what you feel went wrong, and they will explain their own actions to you. They will ask what you would like the school to do to put things right. Of course, this does not mean that in every case they will come round to your point of view but it will help both you and the school to understand both sides of the question. It may also help to prevent a similar problem arising again.

#### **What to do next**

If you are dissatisfied with the initial response, or if you do not want to discuss the matter informally, you can make a complaint to the Head of School (or if it is about the Head of School, contact the Executive Headteacher). This will need to be in writing/by email. Contact the school office if you would like some help putting your complaint in writing. Email addresses are all listed on the Trust and schools' websites.

If your complaint is about an action of the Executive Headteacher personally, then you should refer it to the Chair of the Viking Academy Trust. Contact details can be obtained from any Viking school office or via Viking Academy Trust website.

You will be offered a meeting to discuss the problem. You may bring a friend or someone else for support. The Head will conduct a full investigation of the complaint and may interview any members of staff or pupils involved. You will receive a written response to your complaint.

### **If you are still unhappy**

The problem will normally be solved at this stage. However, if you are still not satisfied you may wish to contact the Chair of the Local Advisory Body to ask for a referral of your complaint to a Board of Trustee’s Complaints Panel. It will then be heard by a group of Trustees/Local governors who have no previous knowledge of the problem and so will be given a fresh assessment. You will be invited to attend and speak to the panel at a meeting that the Executive Headteacher will also attend.

The Complaints Procedure sets out in more detail how these meetings operate.

### **Contact Details:**

Chair of Local Governors: Chilton Primary	Mr N. Roby c/o Chilton Primary School	neil.robby@vikingacademytrust.com
Chair of Local Governors: Ramsgate Arts Primary	Mrs J Brand c/o Ramsgate Arts Primary School	cog@ramsgateartsprimary.co.uk
Chair of Local Governors: Upton Junior School	Mr R Curtis c/o Upton Junior School	uptongovernors@vikingacademytrust.com
Clerk to the Trust	Mrs N Costin c/o Viking Academy Trust	clerk@vikingacademytrust.com

### **Further Action**

Complaints about school problems are almost always settled within schools but in exceptional cases Complainants that are not satisfied with the way in which their complaint has been handled by the school, are to be made aware of the Education Funding Agency’s complaints system which can be found at the following:

<https://www.education.gov.uk/schools/leadership/schoolperformance/schoolcomplaints-form>