



# Engage Enrich Excel Academies

## Complaints Procedure Policy



---

**Date of Approval**

Reviewed February 2021

---

HR Committee

---

---

**Date of Review**

Summer 2021

---

HR Committee

---

## Complaints Procedure Policy

### 1. General Principles

This policy statement sets out the school's approach to dealing with concerns and complaints. Byfleet Primary School has based this procedure on the Surrey County Council model complaints procedure for academies issued in Autumn Term 2020 and updated in Spring Term 2021.

We value good home/school relations and will, therefore, do everything we can to establish and maintain them. This includes seeking to resolve any concerns or complaints promptly, and to the satisfaction of all concerned.

We welcome feedback on what parents feel we do well, or not so well. We will consider carefully all feedback, whether positive or negative, and will review our policies and practices accordingly.

We endeavour to keep parents informed about all aspects of school life in a variety of ways including parents' evenings, reports, newsletters, school website. We regularly seek parental feedback.

We will treat all concerns and complaints seriously and courteously and will advise parents and others of the school's procedures for dealing with their concerns. In return, we expect parents and other complainants to behave respectfully towards all members of the school community. In particular, any disagreement with the school should not be expressed inappropriately (for example via social networking sites) or in front of pupils.

All school staff, local governors and trustees will receive a copy of this policy statement and will be familiar with the school's procedures for dealing with parental concerns and complaints, to which they will have access as required.

The school's procedures will be reviewed regularly and updated as necessary.

Staff and governors will receive training in handling parental concerns and complaints as appropriate. This may be on an individual basis, or for specific groups.

Byfleet Primary School endeavours to provide the best education possible for all of its pupils in an open and transparent environment. Where concerns are raised the school intends for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without Prejudice

In order to do so, Engage Enrich Excel Academies and the Local Advisory Committee of Byfleet Primary School has approved the following procedure which explains what you should do if you have any concerns about the school. All members of staff will be familiar with the procedure and will be able to assist you.

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

This complaints procedure is not limited to parents or carers of children that are registered at the school. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

## **3. 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. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Byfleet Primary School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

The majority of concerns can be dealt with without resorting to the procedure. Where you have a concern about any aspect of the school or your child’s education or wellbeing, raise this first with your child’s class teacher in person, via email to the school office or by telephone He/she may be able to address your concerns straight away, or arrange a meeting with you to discuss the issue.

All concerns will be dealt with confidentially, although the staff member may need to take notes if they feel that the matter may need to be taken further or it may arise again in the future. Any such notes will be kept in accordance with the principles of the Data Protection Act 2018 and the General Data Protection Regulations (GDPR). However, such notes would be able to be used to as evidence if further investigation was required, or if the concern became a formal complaint.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Byfleet Primary School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

## **4. Scope of this Complaints Procedure**

Sometimes, when concerns are more specific, there are alternative statutory procedures or more appropriate policies for dealing with them. The following list details specific topics of complaints, and the correct statutory procedure or policy to refer to. You can access these policies on the school website or ask for a copy from the school office.

<b>Exceptions</b>	<b>Who to contact</b>
Admissions to the school	Please see the school's Admission's Policy.
Statutory assessments of Special Educational Needs (SEND)	Please refer to the Surrey Local Offer website <a href="https://www.surreylocaloffer.org.uk/kb5/surrey/localoffer/home.page">https://www.surreylocaloffer.org.uk/kb5/surrey/localoffer/home.page</a> or contact the Local Authority where you live.
School re-organisation proposals	Please refer to the Surrey County Council Local Offer website <a href="https://www.surreycc.gov.uk/schools-and-learning/schools">https://www.surreycc.gov.uk/schools-and-learning/schools</a> or contact the Local Authority where you live.
Matters likely to require a Child Protection Investigation	The Surrey Safeguarding Children Partnership procedures apply ( <a href="http://www.surreyscp.org.uk/">http://www.surreyscp.org.uk/</a> ). For further information contact Surrey Children's Single Point of Access (C-SPA) on 0300 470 9100 or <a href="mailto:cspa@surreycc.gov.uk">cspa@surreycc.gov.uk</a> . If at any time a child protection concern becomes apparent, the Child Protection & Safeguarding takes precedence over the complaints process, which will be halted until the child protection matter is resolved. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding on 0300 123 16550 (option 3) or <a href="mailto:LADO@surreycc.gov.uk">LADO@surreycc.gov.uk</a> Complaints about child protection matters are handled under our Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance.
Exclusion of children from school*	Please see the school's Behaviour and Anti Bullying Policy or Department for Education (DfE) guidance on exclusions and further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> .
Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a> . Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.
Staff grievances	Staff grievances, capability or disciplinary will be dealt with under the school's Grievance Policy, Disciplinary & Capability Policy and Whistleblowing Policy.
Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.

Complaints about services provided by other providers who may use school premises or facilities	Where the complaint concerns a third party used by the school, or a third party which uses the school premises; please complain directly to the third party themselves also Byfleet Primary School of your actions.
National Curriculum - content	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>
Freedom of Information Requests and subject access Requests	Please see the school's Data Protection and Freedom of Information policies.
Complaints regarding discrimination and harassment based on protected characteristics as defined in the Equality Act 2010	The complaints procedure applies but the complainant has a further right of appeal to SENDIST (Special Educational Needs and Disability First Tier Tribunal) for complaints about disability discrimination or to the County Court for all other unresolved disputes regarding protected characteristics.

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, we will inform you of a proposed new timescale.

If a complainant commences legal action against Byfleet Primary School in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

### 5. How to raise a concern or make a complaint – Informal complaints

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

If you need to raise an issue, in the first instance please do so with the class teacher or relevant member of staff as outlined below, who will be happy to talk to you and seek to establish a resolution.

- **Educational & Pastoral matters:** Initially contact the classroom teacher about concerns you may have, before requesting a meeting with the Headteacher or a member of the senior leadership team (SLT).
- **Disciplinary matters:** Initially please contact the staff member who initiated the consequence to discuss the reasoning behind the sanction, before requesting a meeting with the Headteacher or a member of SLT.

- **Financial/Administration matters:** School Business Manager
- **Complaint about a staff member's conduct:** direct approach to the staff member themselves, or where this is thought inappropriate/ does not resolve the situation, the Headteacher, Deputy or Assistant Head should be approached.

In all concerns that are not “formal” complaints, all members of the SLT are willing to offer support and guidance to enable a concern to be resolved before moving to formal proceedings.

Members of the SLT are:

- Mrs Cheryl Meyrick     Headteacher
- Mrs Daryl Elliott       Deputy Head
- Mrs Helen Lancashire   Class Teacher
- Mrs Krystyna Scipior   Class Teacher

Where a complaint concerns the Headteacher, the complainant should first directly approach the Headteacher in an attempt to resolve the issue informally.

Where a complaint concerns a governor the complainant should contact the Clerk to the Local Advisory Committee. Informal resolution will be sought, but where this fails, the complaints procedure outlined below will take immediate effect.

In exceptional circumstances the Local Advisory Committee may appoint an independent investigator to look into the concerns. In such circumstances advice shall be sought from EEEA School Trust Board/ CEO.

It is to be hoped that most concerns can be expressed and resolved on an informal basis, within 10 school working days.

If you are not satisfied with the response received and believe the issue has not been resolved, please use the formal complaints procedure as detailed below.

## **6. Formal complaints**

Complainants should not approach individual governors 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 a later stage of the procedure.

Complaints against school staff (except the headteacher) should be made in the first instance, to Mrs Cheryl Meyrick (the headteacher) via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the headteacher should be addressed to Mr John Dangerfield (the Chair of Governors), via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole Local Advisory Committee should be addressed to the clerk to the Local Advisory Committee (the “Clerk”) via the school office. Please mark them as Private and Confidential.

Complaints about the Chief Executive Officer (CEO) or a trustee of the Trust, should be addressed to Mrs Jo Brill Chair of Trustees, via the Trust office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included in Appendix A of this procedure. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

### **7. Anonymous complaints**

We will not normally investigate anonymous complaints. However, the headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

### **8. Time scales**

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

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

What is meant by exceptional circumstances is where new evidence has come to light, where the complaint is of an especially serious matter or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time. In such circumstances the Headteacher and/or the Chair of Governors will review the situation and decide whether or not to enact the complaints procedure, informing the Chair of Governors of the decision.

For the purpose of this policy a "school day" is a week day, excluding weekends, school holidays and INSET days etc.

### **9. 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.

### **10. Audio or video evidence**

Complainants should make sure they obtain informed consent from all parties present before recording conversations or meetings. In line with DfE guidance, we do not normally accept electronic recordings as evidence when we are asked to consider a complaint. Unless exceptional circumstances apply, we will not accept, as evidence, recordings of conversations that were obtained covertly and without informed consent of all parties being recorded.

### **11. Deviation from the procedure**

There may be occasions when it is necessary or reasonable to deviate from the published complaints procedure. In these cases, the complainant will be kept informed and reasons for the deviation given.

### **12. Safeguarding**

Wherever a complaint indicates that a child's wellbeing or safety is at risk, the school is under a duty to report this immediately to the local authority's safeguarding board. Any action taken will be in accordance with Byfleet Primary School's safeguarding policy found on the school website or "hard" paper copy available from the school office on request.

### **13. Social Media**

In order for complaints to be resolved as quickly and fairly as possible Byfleet Primary School requests the complainants do not discuss complaints publically via social media such as Facebook and Twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

### **14. Complaints that result in staff capability or disciplinary**

If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the Headteacher and/or the individual's line manager. The complainant is entitled to be informed that the matter is being dealt with appropriately, but they are not entitled to participate in the proceedings and will not receive any detail about them or the outcome.

### **15. Resolving complaints**

At each stage in the procedure, Byfleet Primary School wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

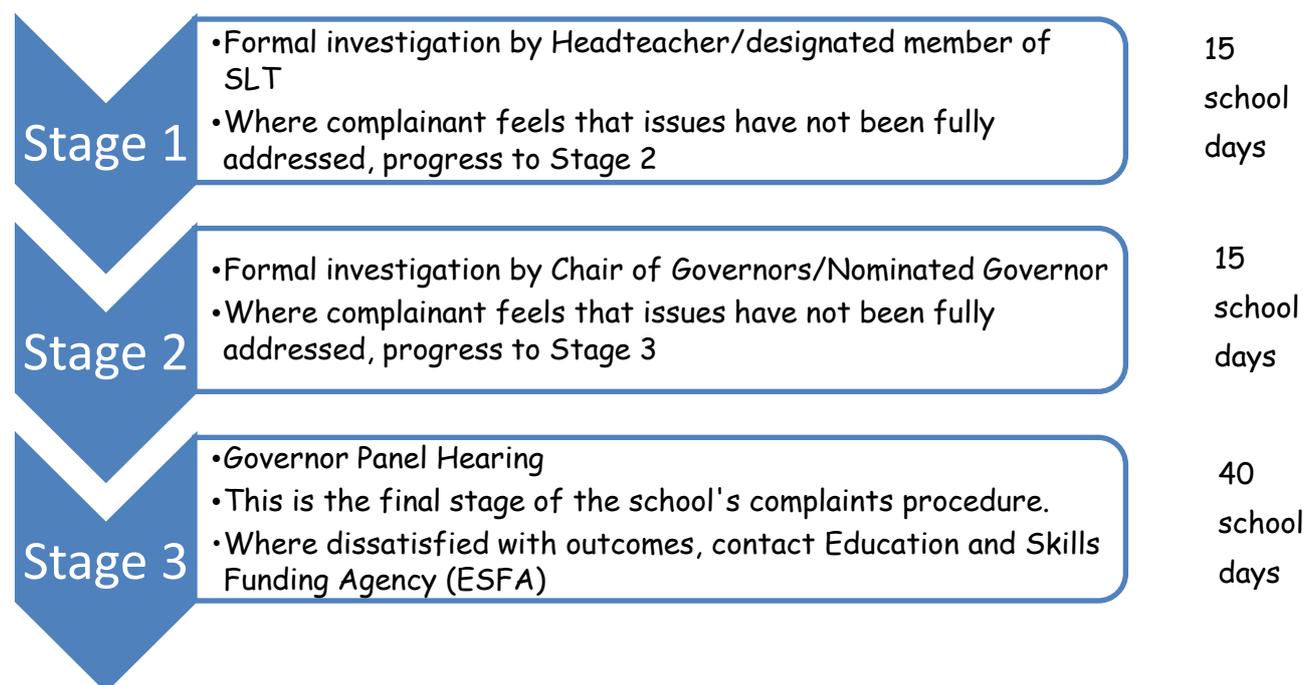
- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

### **16. Withdrawal of a Complaint**

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

## Formal complaints

### Summary of timeline for formal complaints



#### 17. Stage 1 – Formal complaints

Formal complaints must be made to the headteacher (unless they are about the headteacher), via the school office. This may be done in person, in writing (preferably on the Complaint Form in schedule A), or by telephone.

The headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days.

Within this response, the headteacher will seek to clarify

- the details of the complaint
- what action has been taken so far and what solutions have been offered
- why the complaint remains unresolved and
- what action the complainant would like to be taken to resolve the problem.

The Headteacher may delegate the investigation to another member of SLT but not the decision to be taken.

The headteacher can consider whether a face to face meeting is the most appropriate way of doing this and it is likely that the complainant will be invited to meet with the headteacher or designated member of SLT to discuss the matter.

At the meeting the concerns will be discussed and resolution will be sought. If agreement can be reached at that point on a way forward which is satisfactory to all parties, this will be confirmed in writing following the meeting. If the issues are not resolved by the end of the meeting, the headteacher/designated member of SLT will then commence a full investigation.

During the investigation, the headteacher (or investigator) 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 headteacher will provide a formal written response within 15 school days of the date of receipt of the complaint.

Where the complaint is about a member of staff an informal mediation meeting may be offered to see if a resolution can be reached.

If the headteacher is 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. Where appropriate, it will include details of actions Byfleet Primary School will take to resolve the complaint.

The headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the headteacher, or a member of the Local Advisory Committee (including the chair of the Local Advisory Committee (“Chair”)) or vice-chair of the Local Advisory Committee (“Vice-Chair”), a suitably skilled governor will be appointed to complete all the actions at Stage 1.

Complaints about the headteacher or member of the Local Advisory Committee must be made to the Clerk via the school office.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Local Advisory Committee or
- the majority of the Local Advisory Committee

Stage 1 will be considered by an independent investigator appointed by the Local Advisory Committee. At the conclusion of their investigation, the independent investigator will provide a formal written response.

### **18. Stage 2 – Governor Investigation**

If the complainant believes that their complaint has not been fully addressed at Stage 1, they may request a Governor investigation. This should be done in writing (preferably on the Complaint Form B (see Appendix D for the contact details of the Chair of Governors, and Appendix B for a copy of the form).

The Chair of Governors may choose to delegate the investigation of the complaint to a Nominated Governor who may, at the sole discretion of the Chair of Governors, be independent of the school. The investigating governor will have had no prior involvement in the complaint.

Receipt of the complaint form will be acknowledged. In most cases the complainant will be invited to meet with the Chair of Governors/ Nominated Governor at the outset of the process. The aim of this meeting is to enable the Chair of Governors/ Nominated Governor

to understand the scope of the complaint and desired outcomes prior to commencing their investigation.

The Chair of Governors/Nominated Governor will consider all relevant evidence; this may include but is not limited to:

- evidence and outcome from Stage 1 investigation if applicable
- a statement from the complainant
- where relevant a meeting with/statement from an individual who is the subject of the complaint
- any previous correspondence regarding the complaint
- any supporting documents from all parties
- interviews with /statements from anyone related to the complaint
- relevant policies and whether they were followed.

After considering the available evidence, the Chair of Governors/Nominated Governor may:

- uphold the complaint and direct that certain action be taken to resolve it
- not uphold the complaint and provide the complainant with details of the Stage 3 complaint review process
- uphold the complaint in part: in other words, the Chair of Governors/Nominated Governor may find one aspect of the complaint to be valid, but not another aspect. They may recommend certain action to be taken to resolve any aspect that they find in favour of the complainant.

The Chair of Governors/Nominated Governor should inform the complainant of their decision in writing within 15 school days of receipt of the complaint. They should explain clearly why they have come to the decision that they made. They should detail any agreed actions as a result of the complaint. Finally, they should provide the complainant with details of how to progress the complaint to Stage 3 if they believe their complaint has not been fully addressed, providing them with the contact details of the Clerk to the Governing Body (Appendix D).

Should the complaint not be resolved mediation may be considered. This can be arranged through the Area Schools Support Service and will be impartial and objective.

### **19. Stage 3 – Panel Hearing**

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 hearing consisting of at least three governors who were not directly involved in the matters detailed in the complaint or any previous investigation with one panel member who is independent of the management and running of the school (“Panel”).

Complainants can request an independent complaints Panel if they believe there is likely to be bias in the proceedings. They should provide evidence of bias in support of their request, as it is the Panel’s decision whether to agree to it. If the appearance of bias is sufficient to taint the decision reached, then the Panel will grant such requests.

This is the final stage of the complaints procedure

A request to escalate to Stage 3 must be made to the Clerk, via the school office, within 10 school days of receipt of the Stage 2 response. A further updated Complaint Form (in the form set out in Appendix C should also ideally be completed and submitted.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

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.

The Clerk will write to the complainant to inform them of the date of the Panel meeting. They will aim to convene a meeting within 30 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.

The Panel will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting but the complainant rejects the offer of three 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 with the Clerk and an independent representative engaged by the Trust Board in attendance.

Prior to the Panel meeting, they will decide amongst themselves who will act as the Chair of the Panel. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 3.

If the complainant is invited to attend the meeting, they may ask to be accompanied to the meeting by a supportive companion, interpreter or advocate. This person should not be a member of the school community, for reasons of confidentiality and to avoid conflict of interest. The complainant must advise the Clerk to the Panel of the name and role of this additional person prior to the hearing, and the Clerk will seek agreement from the chair of the Panel.

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

If the additional person is attending as an advocate, they will be presenting the complainant's case and speaking on their behalf, and therefore the complainant will not be able to address the Panel directly. If the additional person is attending as a supportive companion, they will not be able to address the Panel directly.

As this is not a legal process, neither party may bring legal representation with them except in exceptional circumstances, by prior agreement of the Panel.

Representatives from the media are not permitted to attend.

If the attendance of any pupils is required at the hearing, parental permission will be sought if they are under the age of 18. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing.

At least 15 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 10 school days before the meeting.

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

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 meetings or conversations take place. Consent will be recorded in any minutes taken.

The Panel will consider the complaint as was submitted at Stage 1 and Stage 2 and all the evidence presented.

The Panel will not only consider the handling of the complaint at the previous stages, but will also consider those aspects of the original complaint which the complainant believes have not been fully addressed.

The Panel will 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 Panel will consider the complaint and all the evidence presented and will come to their decisions on the balance of probabilities. The Panel can:

- uphold the complaint in whole or in part.
- dismiss the complaint in whole or in part.
- determine that all or part of the complaint is out of their scope to consider.

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 complainant and Byfleet Primary School with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days. The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by Byfleet Primary School.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Local Advisory Committee or
- the majority of the Local Advisory Committee

Stage 3 will be heard by the Academy Trust Board committee.

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 Byfleet Primary School will take to resolve the complaint.

The Panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the head teacher.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing.

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

### **20. Complaints escalated to / about the Trust, CEO or Trustee**

If a complaint is escalated to Engage Enrich Excel Academies or if a complainant wishes to complain directly about the Trust, then the complaint should be sent to the CEO to be investigated.

The CEO will write to the complainant acknowledging the complaint within 5 school days of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated under Stage 2 of this Complaints Policy and will confirm the date for providing a response to the complainant.

Following the investigation, the CEO will write to the complainant confirming the outcome within 15 school days of the date that the letter was received. If this time limit cannot be met, the CEO will write to the Complainant within 5 school days of the date that the letter was received, explaining the reason for the delay and providing a revised date.

If the complaint concerns the CEO or a Trustee, the complaint should be investigated by the Chair of the Trust Board. If a formal complaint form is received about the Chair, the complaint will be referred to the Vice Chair for investigation

*NB. Where the Chair of the Trust Board has investigated the complaint, they will write the letter of outcome to the Complainant and provide a copy to the CEO.*

If the complainant is not satisfied with the outcome of the previous stage, the complainant should write to the Clerk to the Trust Board asking for the complaint to be heard before a Complaint Panel, within 10 school days. The procedure will mirror that outlined under Stage 3 – Panel Hearing above.

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.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Trust Board or
- the majority of the Trust Board

Stage 3 will be heard by a completely independent panel.

The Complaint Panel will consist of three members. None of the three members of the Complaint Panel will have been involved in the incidents or events which led to the complaint, or have been involved in dealing with the complaint in the previous stages, or have any detailed prior knowledge of the complaint.

One of the Complaint Panel members will be independent of the management and running of the Academy Trust. This means that the independent Complaint Panel member will not be a Trustee or an employee of the Trust.

The Clerk will write to the complainant to inform them of the date of the Panel meeting. They will aim to convene a meeting within 30 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.

The Panel will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting but the complainant rejects the offer of three 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 with the Clerk and an independent representative engaged by the Trust Board in attendance.

Prior to the Panel meeting, they will decide amongst themselves who will act as the Chair of the Panel. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 3.

If the complainant is invited to attend the meeting, they may ask to be accompanied to the meeting by a supportive companion, interpreter or advocate. This person should not be a member of the school community, for reasons of confidentiality and to avoid conflict of interest. The complainant must advise the Clerk to the Panel of the name and role of this additional person prior to the hearing, and the Clerk will seek agreement from the chair of the Panel.

For instance, if a Trust employee is called as a witness in a complaint meeting, they may wish to be supported by union.

If the additional person is attending as an advocate, they will be presenting the complainant's case and speaking on their behalf, and therefore the complainant will not be able to address the Panel directly. If the additional person is attending as a supportive companion, they will not be able to address the Panel directly.

As this is not a legal process, neither party may bring legal representation with them except in exceptional circumstances, by prior agreement of the Panel.

Representatives from the media are not permitted to attend.

If the attendance of any pupils is required at the hearing, parental permission will be sought if they are under the age of 18. Extra care will be taken to consider the vulnerability of

children where they are present at a complaints hearing.

At least 15 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 10 school days before the meeting.

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

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 meetings or conversations take place. Consent will be recorded in any minutes taken.

The Panel will consider the complaint as was submitted in the previous stages and all the evidence presented.

The Panel will not only consider the handling of the complaint at the previous stages, but will also consider those aspects of the original complaint which the complainant believes have not been fully addressed.

The Panel will 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 the start of the procedure.

The Panel will consider the complaint and all the evidence presented and will come to their decisions on the balance of probabilities. The Panel can:

- uphold the complaint in whole or in part.
- dismiss the complaint in whole or in part.
- determine that all or part of the complaint is out of their scope to consider.

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 complainant and Byfleet Primary School with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days. The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by Byfleet Primary School.

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 Byfleet Primary School will take to resolve the complaint.

The Panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about.

Furthermore, they will be available for inspection on the school premises by the proprietor and the head teacher.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing.

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

### **21. Retention**

The complaint investigator/ the Chair of the Complaints Panel should ensure that a copy of all relevant information relating to the complaint is kept at the school in a secure, confidential file, separate from staff and pupil records. This information should be retained for six years from the date of the complaint, in line with guidance from the Information and Records Management Society ([www.irms.org.uk](http://www.irms.org.uk)) and in accordance with the principles of the Data Protection Act 2018 and the General Data Protection Regulations (GDPR). The complainant should be informed that this will be done.

### **22. Unreasonable complaints and serial persistent complaints**

Byfleet Primary School 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 the 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.

Byfleet Primary School defines serial and unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school.

A complaint may be regarded as unreasonable when the person making the complaint: -

- 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 while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects 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 complaints 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, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically: -

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites newspapers or other public forums.

Complainants should limit the numbers of communications with a school while a 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.

Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' judgement.

If the behaviour continues the Headteacher will write to the complainant explaining that his/her behaviour is unreasonable and asking him/her to change it. For complainants who excessively contact Byfleet Primary 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 usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include barring an individual from Byfleet Primary School site to ensure the well-being of others.

### **Procedure for managing complaint campaigns**

In the rare event that the school receives a large volume of complaints all based on the same subject, from complainants unconnected with the school, we will either send a template response to all complainants or publish a single response on the school's website.

### **23. Barring from the School Premises**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Local Advisory Committees have a responsibility to ensure the wellbeing of pupils and staff, and will therefore act to ensure that schools remain a safe place.

If a complainant's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Headteacher or the School Trust can notify them in writing that their implied permission to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Schools should always give the complainant the opportunity to formally express their views on the decision to bar in writing.

The decision to bar should then be reviewed by the EEEA Audit and Risk Committee, taking into account any representations made by the complainant, and either confirmed or lifted. If

the decision is confirmed the complainant should be notified in writing, explaining how long the bar will be in place. Anyone wishing to complain about being barred can do so, by letter or email, to the Headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department of Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

## **24. Next Steps**

If you have any queries regarding any aspect of the complaints procedure, please direct these to the Clerk to the Local Advisory Committee (see Appendix D) or the Surrey County Council Area Schools Officer (see Appendix E).

If the complainant believes the school / Trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed Stage 3.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by Engage Enrich Excel Academies. They will consider whether Byfleet Primary School has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed Part 7 of the Education (Independent School Standards) Regulations 2014.

The complainant can refer their complaint to the ESFA online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:  
Academy Complaints and Customer Insight Unit  
Education and Skills Funding Agency  
Cheylesmore House  
5 Quinton Road  
Coventry  
CV1 2WT

Please note that unreasonable is used in a legal sense and means acting in a way that no reasonable school or authority would act in the same circumstances.

Ofsted will also consider complaints about schools. Complainants can contact Ofsted if they think a school isn't run properly and needs inspecting. Ofsted will not look into problems with individual students. This course of action is only available if the school's complaints procedure has already been followed.

<https://contact.ofsted.gov.uk/onlinecomplaints>

## **25. Roles and Responsibilities**

### **Complainant**

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

## **Complaint investigator**

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough discussion with the complainant to establish their perspective and desired outcomes
  - interviewing staff and children/young people and other people relevant to the complaint
  - consideration of records and other relevant information
  - analysing information
- effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right
- responding to the complainant in plain and clear language.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the headteacher or complaints Panel that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- The head teacher or complaints Panel will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

## **Clerk to the Local Advisory Committee Panel**

The Clerk is the contact point for the complainant and the committee/Panel and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's/Panel's decision.

## **Panel Chair**

The Panel chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy

- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the Panel is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR. If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the Panel is open-minded and acts independently
- no member of the Panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk.

### **Panel Members**

Panel members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so  
No governor may sit on the Panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- They should read all documentation and understand the aims and purpose of the meeting.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant.  
We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting.  
Parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting.

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The Panel should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the Panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the Panel should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the Panel considers is not in the child/young person's best interests.

- the welfare of the child/young person is paramount.

### **Appendix A: Complaint Form – Stage 1**

Please complete and return to Mrs Cheryl Meyrick, **Headteacher** at Byfleet Primary School, Kings Head Lane, Byfleet KT14 7AT who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b> <b>Postcode:</b> <b>Day time telephone number:</b> <b>Evening telephone number:</b>
<b>Email address:</b>
<b>Please give details of your complaint, including whether you have already taken any action to try to resolve your complaint (who have you spoken to at the school about it and what was the response)?</b>

**What actions do you feel might resolve the problem at this stage?**

**Are you attaching any paperwork? If so, please give details.**

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**

## **Appendix B: Complaint Form – Stage 2**

Please complete and return to Mrs Cheryl Meyrick, **Headteacher** at Byfleet Primary School, Kings Head Lane, Byfleet KT14 7AT who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b> <b>Postcode:</b> <b>Day time telephone number:</b> <b>Evening telephone number:</b>
<b>Email address:</b>
<b>Please give details of your complaint, including whether you have already taken any action to try to resolve your complaint (who have you spoken to at the school about it and what was the response)?</b>

**What actions do you feel might resolve the problem at this stage?**

**Are you attaching any paperwork? If so, please give details.**

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**

### **Appendix C: Complaint Form – Stage 3**

Please complete and return to the **Clerk to the Local Advisory Committee** at Byfleet Primary School, Kings Head Lane, Byfleet KT14 7AT who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b> <b>Postcode:</b> <b>Day time telephone number:</b> <b>Evening telephone number:</b>
<b>Email address:</b>
<b>Please give details of your complaint, including whether you have already taken any action to try to resolve your complaint (who have you spoken to at the school about it and what was the response)?</b>

**What actions do you feel might resolve the problem at this stage?**

**Are you attaching any paperwork? If so, please give details.**

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**

## **Appendix D: School / Academy contact details**

### **Byfleet Primary School**

Kings Head Lane  
Byfleet  
Surrey KT14 7AT

Tel: 01932 403116

Email: [info@byfleet.surrey.sch.uk](mailto:info@byfleet.surrey.sch.uk)

### **Headteacher: Mrs Cheryl Meyrick**

Email: [info@byfleet.surrey.sch.uk](mailto:info@byfleet.surrey.sch.uk)

### **Chair of Governors: Mr John Dangerfield**

Email: [Governors@byfleet.surrey.sch.uk](mailto:Governors@byfleet.surrey.sch.uk)

### **Clerk to the Local Advisory Committee: Coral Davis**

Email: [Governors@byfleet.surrey.sch.uk](mailto:Governors@byfleet.surrey.sch.uk)

### **Engage Enrich Excel Academies**

Queen's Avenue  
Wellesley  
Aldershot  
Hampshire  
GU11 4AA

Tel: 01252 337911

Email: [info@eeea.co.uk](mailto:info@eeea.co.uk)

[www.eeea.co.uk](http://www.eeea.co.uk)

## Appendix E: Surrey County Council Area School's Officer

<p><b>North East Surrey (Elmbridge, Epsom &amp; Ewell, Spelthorne)</b> Caroline Marden Area Schools Officer Telephone: 01372 833412 Email: caroline.marden@surreycc.gov.uk</p> <p>Mariette Masters Area Schools Assistant Telephone: 01372 833412 Email: mariette.masters@surreycc.gov.uk</p> <p>Esher Civic Centre, High Street, Esher, KT10 9SD</p>	<p><b>North West Surrey (Runnymede, Surrey Heath, Woking)</b> Kate Prince Area Schools Officer Telephone: 01483 518104 Email: kate.prince@surreycc.gov.uk</p> <p>Natalie Cull Area Schools Assistant Telephone: 01483 518106 Email: natalie.cull@surreycc.gov.uk</p> <p>Quadrant Court, Guildford Rd, Woking, GU22 7QQ</p>
<p><b>South East Surrey (Mole Valley, Reigate &amp; Banstead, Tandridge)</b> Ann Panton Area Schools Officer Telephone: 01737 737960 Email: ann.panton@surreycc.gov.uk</p> <p>Sally Pickford Area Schools Assistant Telephone: 01737 737961 Email: sally.pickford@surreycc.gov.uk Consort House, 5-7 Queensway, Redhill, RH1 1YB</p>	<p><b>South West Surrey (Guildford and Waverley)</b> Jane van den Broeke Area Schools Officer Telephone: 01483 517835 Email: jane.vandenbroeke@surreycc.gov.uk</p> <p>Yvonne Girdler Area Schools Assistant Telephone: 01483 517835 Email: yvonne.girdler@surreycc.gov.uk Quadrant Court, Guildford Rd, Woking, GU22 7QQ</p>