



Complaints Policy

Person responsible: Head teacher

Ratified by the governing body: Spring 2020

Date for review: Spring 2022

A handwritten signature in black ink, appearing to read 'Anne-Marie Renshaw', is positioned above the printed name.

Reverend Anne-Marie Renshaw
Chair of Governors

Compliments

These are always welcome and very encouraging to teachers and staff. The school encourages feedback and opinions from pupils and parents. In practice this dialogue is continuous, sometimes directly and also indirectly, for example, through the Friends of Messing School. It may not always be possible to act immediately but pupils and the school always benefit so please don't hold back.

Concerns

It is natural that parents may, occasionally, be concerned about an aspect of their child's education or welfare at school. This could include issues concerning the school's approach to aspects of the curriculum, homework, behavioural problems or any other issue.

The school welcomes enquiries from parents about any matter. Teachers and staff will explain the school practices, policies, and how they affect the pupils. The vast majority of concerns will be handled by the class teacher or by the subject leader if this is more helpful. If in doubt, keep asking until you are completely satisfied as all staff are eager to help.

The usual format is to speak to the child's class teacher in the first instance, or to contact the school office to arrange an appointment to discuss your concern with whoever you wish. At all times the staff will help to resolve a problem. If occasionally parents feel they must state their concern formally, this too is not a problem. The school has defined procedures for handling complaints so don't be embarrassed if you feel an issue warrants more attention.

Complaints

The complaints procedure is as follows:

The school must make available on request a procedure for dealing with complaints from parents of pupils. For complaints from parents of pupils, this procedure will comply with The Education (Independent School Standards) Regulations 2010 and offers:

- the opportunity to resolve the complaint with the school on an informal basis, for example through discussion with a senior member of staff;
- a formal complaint stage when the complaint is made in writing and usually responded to by the chair of governors; and
- a hearing with a panel set up by the academy trust (New Hall Multi-Academy Trust), comprising at least three people not directly involved in the matters detailed in the complaint, one of whom must be independent of the management and running of the school. Parents must be allowed to attend the panel and be accompanied if they wish

The School will follow the same procedure for complaints from those who are not parents of pupils at the school.

How each of these stages operates is explained below:

Stage 1 – Your initial contact with the school

1. Many concerns will be dealt with informally when you make them known to us. The first point of contact should be your child's class teacher or the Head teacher.
2. We will see you, or contact you by telephone or in writing, as soon as possible after your concern is made known to us. All members of staff know how to refer, if necessary, to the appropriate person with responsibility for particular issues raised by you. He or she will make a clear note of the details and will check later to make sure that the matter has been followed up.
3. We will ensure that you are clear what action or monitoring of the situation, if any, has been agreed. We will confirm this in writing to you if requested.
4. We will ensure that we speak directly to all appropriate persons who may be able to assist us with our enquiries into your concern.
5. We will discuss with you (normally within ten working days) the progress of our enquiries. You will have the opportunity of asking for the matter to be considered further, once we have responded to your concern.
6. If you are still dissatisfied following this informal approach, your concern will become a formal complaint and we will deal with it at the next stage.

Stage 2 - Formal consideration of your complaint

This stage in our procedures deals with written complaints. It applies where you are not happy with the informal approach to dealing with your concern, as outlined under Stage 1 above.

1. Normally, your written complaint should be addressed to the Headteacher. It will be responded to by the Headteacher and Chair of Governors. If, however, your complaint concerns the Headteacher personally, it should be sent to the school marked "For the attention of the Chair of Governors".
2. We will acknowledge your complaint in writing as soon as possible after receiving it. This will be within three working days.
3. We will enclose a copy of these procedures with the acknowledgement.
4. Normally we would expect to respond in full within ten working days but if this is not possible we will write to explain the reason for the delay and let you know when we hope to be able to provide a full response.
5. As part of our consideration of your complaint, we may invite you to a meeting to discuss the complaint and fill in any details required. If you wish, you can ask someone to accompany you to help you explain the reasons for your complaint.
6. The Headteacher, and/or the Chair of Governors may also be accompanied by a suitable person if they wish.
7. Following the meeting, the Headteacher and /or the Chair of Governors will, where necessary, talk to witnesses and take statements from others involved. If the complaint centres on a pupil, we will talk to the pupil concerned and, where appropriate, others present at the time of the incident in question.
8. We will normally talk to pupils with a parent or carer present, unless this would delay the investigation of a serious or urgent complaint, or where a pupil has specifically said that he or she would prefer the parent or carer not to be involved. In such circumstances, we will ensure that another member of staff, with whom the pupil feels comfortable, is present.

9. If the complaint is against a member of staff, it will be dealt with under the school's internal confidential procedures, as required by law.
10. The Headteacher and/or Chair of Governors will keep written/typed, signed and dated records of all meetings and telephone conversations, and other related documentation.
11. Once we have established all the relevant facts, we will send you a written response to your complaint. This will give a full explanation of the Headteacher's and/or Chair of Governors' decision and the reasons for it. If follow-up action is needed, we will indicate what we are proposing to do. We may invite you to a meeting to discuss the outcome as part of our commitment to building and maintaining good relations with you.
12. The person investigating your complaint may decide that we have done all we can to resolve the complaint, in which case we may use our discretion to close the complaint at this point. Please see the next page for further information about this process.
13. If we do not close the complaint after Stage 2, you may wish to proceed to Stage 3, as described below.

Stage 3 - Consideration by a complaints review panel

- If your concern has already been through Stages 1 and 2 and you are not happy with the outcome, we may agree to set up a complaints review panel to consider it. This is a formal process, and your ultimate recourse at school level. The Academy Trust (New Hall Multi-Academy Trust) has discretion to agree to this form of meeting where they feel it would be helpful in resolving the complaint.

The purpose of this arrangement is to give your complaint a hearing in front of a panel of members who have no prior knowledge of the details of the complaint and who can, therefore, consider it without prejudice.
- The aim of a complaints review panel is to resolve the complaint and to achieve reconciliation between the school and the parent. We recognise, however, that it may sometimes only be possible to establish facts and make recommendations which will reassure you that we have taken your complaint seriously.

The complaints review panel operates according to the following formal procedures:

1. The Academy Trust (New Hall Multi-Academy Trust) will aim to arrange for the panel meeting to take place within **20 working days**.
2. The panel will be set up by the academy trust (New Hall Multi-Academy Trust), comprising at least three people not directly involved in the matters detailed in the complaint, one of whom will be independent of the management and running of the school.
3. The Academy Trust (New Hall Multi-Academy Trust) will ask you whether you wish to provide any further written documentation in support of your complaint. You can include witness statements, or ask witnesses to give evidence in person, if you wish.
4. The Headteacher will be asked to prepare a written report for the panel. Other members of staff directly involved in matters raised in your complaint will also be asked to prepare reports or statements.
5. The Academy Trust (New Hall Multi-Academy Trust) will inform you, the Headteacher, any relevant witnesses and members of the panel by letter, at least **five working days** in advance, of the date, time and place of the meeting. We hope that you will feel comfortable with the

meeting taking place in the school; but we will do what we can to make alternative arrangements if you prefer.

6. With the letter, the Academy Trust (New Hall Multi-Academy Trust) will send you all relevant correspondence, reports and documentation about the complaint and ask whether you wish to submit further written evidence to the panel.
7. The letter will explain what will happen at the panel meeting and the clerk will also inform you that you are entitled to be accompanied to the meeting. The choice of person to accompany you is your own, but it is usually best to involve someone in whom you have confidence but who is not directly connected with the school. They are there to give you support but also to witness the proceedings and to speak on your behalf if you wish.
8. With the agreement of the Chair of the panel, the Headteacher may invite members of staff directly involved in matters raised by you to attend the meeting,
9. The Chair of the panel will bear in mind that the formal nature of the meeting can be intimidating for you and will do his or her best to put you at your ease.
10. As a general rule, no evidence or witnesses previously undisclosed should be introduced into the meeting by any of the participants. If either party wishes to do so, the meeting will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.
11. The Chair of the panel will ensure that the meeting is properly minuted. Please understand that any decision to share the minutes with you, the complainant, is a matter for the panel's discretion and you do not have an automatic right to see or receive a copy. Since such minutes usually name individuals, they are understandably of a sensitive and, therefore, confidential nature.
12. Normally, the written outcome of the panel meeting, which will be sent to you, should give you all the information you require. If, however, you feel that you would like to have a copy of the minutes it would be helpful if you could indicate this in advance. If the panel is happy for the minutes to be copied to you, the clerk can then be asked maintain confidentiality in the minutes. During the meeting, you can expect there to be opportunities for:
 - you to explain your complaint;
 - you to hear the school's response from the Headteacher;
 - you to question the Headteacher about the complaint;
 - you to be questioned by the Headteacher about the complaint;
 - the panel members to be able to question you and the Headteacher;
 - any party to have the right to call witnesses (subject to the chair's approval) and all parties to have the right to question all witnesses;
 - you and the Headteacher to make a final statement.
13. In closing the meeting, the Chair will explain that the panel will now consider its decision and that written notice of the decision will be sent to the Headteacher and yourself **within two weeks**. All participants other than the panel and the clerk will then leave.
14. The panel will then consider the complaint and all the evidence presented in order to:

- reach a unanimous, or at least a majority, decision on the complaint;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend, where appropriate, to the Governing body changes to the school's systems or procedures to ensure that similar problems do not happen again.

15. The Academy Trust (New Hall Multi-Academy Trust) will send you and the Headteacher a written statement outlining the decision of the panel **within two weeks**. The letter will explain that you are entitled to have the handling of the complaint reviewed by the ESFA under Stage 4 of the procedures. That process is not strictly an appeal, as the ESFA cannot direct the Governing body in most general complaints cases. It is, however, an opportunity to seek the view of an official third party and the outcome, including any recommendations, may be helpful to you in seeking resolution of the complaint, through the Secretary of State for Education and Skills if necessary.

16. We will keep a copy of all correspondence and notes on file in the school's records but separate from pupils' personal records.

Closure of complaints

- Very occasionally, a school and/or the Academy Trust will feel that it needs, regretfully, to close an complaint where the complainant is still dissatisfied.
- We, and the Academy Trust where appropriate, will do all we can to help to resolve a complaint against the school but sometimes it is simply not possible to meet all of the complainant's wishes. Sometimes it is simply a case of "agreeing to disagree".
- If a complainant persists in making representations to the school – to the Headteacher, Chair of Governors or anyone else – or to the ESFA, this can be extremely time-consuming and can detract from our responsibility to look after the interests of all the children in our care.
- For this reason, we are entitled to close correspondence (including personal approaches, as well as letters and telephone calls) on a complaint where we feel that we have taken all reasonable action to resolve the complaint. The ESFA will support us in this position, and especially where the complainant's action is causing distress to staff and/or pupils.
- In exceptional circumstances, closure may occur before a complaint has reached Stage 3 of the procedures described in this document. This is because a complaints panel takes considerable time and effort to set up and we must be sure that it is likely to assist the process of investigating the complaint.

The Chair of Governors may decide, therefore, that every reasonable action has been undertaken to resolve the complaint and that a complaints review panel would not help to move things forward.

- This does not, of course, prevent you from referring your complaint to the ESFA for a review of the way it has been handled, as described on the Department for Education website.

ESFA Complaints Procedure

Full details of the ESFA Complaints procedure can be found via the Department of Education website.

The ESFA will look at complaints about academies that fall into the following areas:

- undue delay or non-compliance with an academy's own complaints procedure

- an academy's failure to comply with a duty imposed on it under its funding agreement with the Secretary of State
- an academy's failure to comply with any other legal obligation, unless there is another organisation better placed to consider the matter as set out in the next section

The ESFA will not investigate complaints that are, for example:

- about the quality of education or leadership, or concerns affecting the school as a whole. These should be raised with Ofsted
 - about discrimination. These should be raised with the Equality Advisory Support Service
 - about data protection. These should be raised with the Information Commissioner's Office
 - about exam malpractice or maladministration. These should be raised with the Office of Qualifications and Examinations Regulation (Ofqual) and relevant awarding body
 - about criminal behaviour. These should be raised with the police being, or have been, considered by a court or similar body
 - about employment matters. These should be raised through the academy's grievance procedure, or taken to an Employment Tribunal
 - about safeguarding or child protection matters. These should be taken up with the academy's Local Safeguarding Children's Board
 - about a child or young person's Statement of Special Educational Need where there is another route of appeal, for example the First Tier Tribunal (Special Educational Needs and Disability) Service formerly the Special Educational Needs and Disability Tribunal (SENDIST)
- We will not consider complaints more than 12 months after a decision or action is taken. The only exceptions will be if the delay in sending the complaint to us was unavoidable or if there is evidence that the academy is not currently complying with legal requirements. We reserve the right not to consider complaints that:

- are malicious (that is, they are instituted without sufficient grounds and serving only to cause annoyance)
- use obscenities, racist or homophobic language
- contain personally offensive remarks about members of our staff
- are repeatedly submitted with only minor differences after we have fully addressed the complaint

Whistleblowing

The ESFA takes seriously all whistleblowing concerns raised. Please consider submitting your complaint confidentially rather than anonymously. Submitting a complaint anonymously will make it difficult for the ESFA to conduct a full and thorough investigation. The ESFA will respect your confidentiality when investigating whistleblowing complaints. If the ESFA can only proceed with an investigation by disclosing something to the academy that identifies you, the ESFA will ask for your consent first. If you do not give

the ESFA your consent, it may be that it will not be able to take your case any further. If the allegation is sufficiently serious to require an investigation the ESFA may reveal your identity without your consent.

Outcomes from investigations

The ESFA cannot change any decision an academy has made about your complaint. The role of the ESFA is to look at whether the school considered your complaint properly, by following a procedure that is in line with legal requirements.

If the ESFA upholds a complaint then it may do one or both of the following:

- ask the school to reconsider the complaint from an appropriate stage
- ask the school to change its complaints procedure so that it complies with legal requirements

The ESFA will deal with complaints about academies in accordance with the following principles:

- academies should be receptive to genuine expressions of dissatisfaction
- complaints are dealt with promptly, fairly and proportionately; they are also resolved at the most local level possible
- in dealing with complaints the EFA will take account of its public sector equality duty (under the Equalities Act 2010) Where possible, please put your complaint in writing. If you have difficulty in providing details in writing, we will discuss with you alternative ways of receiving the information. Complaints about academies should be sent:
 - via the Department for Education's schools complaints form online
 - by post to Department for Education, Castle View House, East Lane, Runcorn, Cheshire, WA7 2GJ

Other sources of information and advice

- If your concern is about an aspect of special needs provision, which might include information about relevant voluntary organisations and support groups in Essex, you might like to talk to our Parent Partnership team on their helpline: 01245 436036.
- The Department of Education has published guidance – Best practice Advice for School Complaints Procedures 2016 – which the school adheres to.

Appendix I

Complaints not in scope of the procedure

The complaints procedure cover all complaints about any provision of facilities or services that the school provides with the exceptions listed below, for which there are separate (statutory) procedures.

Exceptions	Who to contact
<ul style="list-style-type: none">• Admissions to schools• Statutory assessments of Special Educational Needs (SEN)• School re-organisation proposals• Matters likely to require a Child Protection Investigation	The schools admissions appeals procedure contains information.
<ul style="list-style-type: none">• Exclusion of children from school	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions .
<ul style="list-style-type: none">• Whistleblowing	Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.
<ul style="list-style-type: none">• Staff grievances and disciplinary procedures	These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.
<ul style="list-style-type: none">• Complaints about services provided by other providers who may use school premises or facilities.	Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.

Messing Primary Policy for Unreasonable Complainants

Messing Primary 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. defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'.

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, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, 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 and newspapers.

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' marking. If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact 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 banning an individual from Messing Primary.