



ELSTON HALL

Learning Trust

Complaints Policy

Policy Updated: September 2024

Approved by Trustees: 3 September 2024

Review Date: September 2025

Content

1	Aims
2	Legislation and guidance
3	Definitions and scope
4	Roles and responsibilities
5	Principles for investigation
6	The complaints process
7	Complaints against the Headteacher, a Governor or Local Governing Board (LGB)
8	Complaints against the Chief Executive (CE), Trust Board or a member of the Central Team
9	Referring complaints on completion of the Trust Procedure
10	Persistent complaints
11	Record keeping and confidentiality
12	12 Learning lessons
13	Monitoring arrangements
14	Links with other policies
15	Contact Information

1. Aims

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

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- 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 Trust will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will make sure we publicise the existence of this policy and make it available on the Trust website.

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

2. Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to the Education (Independent School Standards) Regulations 2014, which states that we must have and make available a written procedure to deal with complaints from parents of pupils 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.

In addition, it addresses duties set out in the Early Years Foundation Stage statutory framework with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

3. Definitions and scope

3.1 Definitions

The DfE guidance explains the difference between a concern and a complaint:

- A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”
- A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”

3.2 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.

4. Roles and responsibilities

4.1 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

4.2 The investigator

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

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

4.3 The complaints co-ordinator

This could be the headteacher / designated complaints governor or 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 headteacher / Chief Executive, chair of Trust Board / Local Governing Board and clerk.
- 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

4.4 Clerk to the Trust Board / Local Governing Board (LGB)

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

4.5 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

5. Principles for investigation

When investigating a complaint, we will try to clarify:

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

5.1 Timescales

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this timeframe in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

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

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

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

5.2 Complaints about our fulfilment of early years requirements

We will investigate all written complaints relating to the 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

- Emailing enquiries@ofsted.gov.uk
- Using the online contact form 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.

6. The Complaints Process

6.1 Stage 1: informal

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

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

The school will acknowledge informal complaints within 14 school days and investigate and provide a response within 20 school days. If this latter deadline is unable to be met the Headteacher / investigating officer will provide the complainant with an update and revised response date.

The informal stage may involve a meeting between the complainant and the Headteacher and or the subject of the complaint, if appropriate.

We hope that informal complaints can be resolved at this stage. Only if the complaint is not resolved informally, can it be escalated to a formal complaint.

6.2 Stage 2: formal

The formal stage involves the complainant putting the formal complaint to the Headteacher and/or the subject of the complaint via the school office in writing either via a letter or email (preferred) marked "Private and confidential." If submitting via a letter, the complaint should be submitted in an envelope marked with 'complaint' and the date it is submitted. The complainant should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents, and what they feel would resolve the complaint.

If complainants need assistance raising a formal complaint, they can contact the school office. The School / Trust will not normally investigate anonymous complaints however the appropriate Leader will determine if the complaint warrants an investigation.

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 14 school days.

The headteacher (or other person appointed by the headteacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 20 school days. If the deadline is unable to be met, the Headteacher or investigating officer, will provide the complainant with a revised response date.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of the procedure (review panel), they should inform the clerk to the Local Governing Board via email

(preferred) or in writing within 14 school days of receiving the response of the investigation. The Clerk will record the date that the complaint is received and acknowledge receipt of the complaint via letter or email within 5 school days.

Requests received outside of this timeframe will be considered in exceptional circumstances.

6.3 Stage 3: submit the complaint to the review panel

Convening the panel

The Clerk will establish a review panel which will be made up of either 3 or 5 people:

- Local Governors that have no direct knowledge of the complaint (the Clerk may call upon Trustees or Local Governors from other schools either in or outside of the Trust if needed).
- 1 Independent person – this can be a Local Governor from another school in the Trust providing no potential bias.

The review panel will have access to the existing record of the complaint's progress (see section 10). The panel will select a panel chair from among themselves. We will make sure the governors we source are suitably skilled and can demonstrate that they are independent and impartial.

The complainant will be given reasonable notice of the date of the review panel. The clerk will aim to find a date within 20 school days of the request, where possible. If this is not possible the clerk will provide an anticipated date and keep the complainant informed.

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

Any written material will be circulated to all parties at least 5 school days before the date of the meeting.

At the meeting

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

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

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

Representatives from the media are not permitted to attend.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence.

The panel, the complainant and the school representative will be given the chance to ask and reply to questions. Once the complainant and school representatives have completed presenting their cases, they will be asked to leave, and evidence will then be considered.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the headteacher.

The outcome

The committee can:

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

If the complaint is upheld, the committee will:

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

The school will inform those involved of the decision in writing within 5 school days.

7. Complaints against the Headteacher, a Governor or the Local Governing Board (LGB)

Complaints made against the Headteacher should be directed to the Chair of the Local Governing Board who will investigate. Response timescales will reflect those detailed in Section 6. If the complainant remains unsatisfied, the complainant must write to the Clerk of the LGB who will convene a panel of 3 members. The same process as above in section 6 will be followed.

Where a complaint is against the Chair of the LGB, any member of the LGB, or the entire LGB, it should be made in writing to the Clerk to the LGB in the first instance.

Where the complaint is about a Governor other than the Chair, the Chair of the LGB will investigate in the first instance. Response timescales will reflect those detailed in Section 6. The panel will follow the format laid out in Section 6, Stage 3.

Where the complaint is about the Chair, another member of the LGB (Vice Chair if possible) will investigate and report back to the complainant. If the complainant remains unsatisfied, the Vice-Chair will ask the Clerk to convene a panel of 3 members. The panel will follow the format laid out in Section 6, Stage 3.

8. Complaints against the Chief Executive / Trust Board or any central member of staff

Complaints against central staff

Complaints against a member of the Trust's central team of staff should be directed to the CE via email enquiries@ehlt.org.uk (preferred) or letter. The CE will then investigate (or will pass the matter on to a suitable individual for investigation).

Response timelines will reflect those detailed in Section 6.

If the complainant remains unsatisfied, they must write to the Clerk to the Trust Board, who will then convene a complaints panel of 3 Trustees to hear the complaint. In the event the complaint is about the Clerk, the complainant should write directly to the Chair of the Trust Board in order for the panel to be arranged.

The panel will follow the format laid out in Section 6, Stage 3.

Complaints against the Chief Executive

Complaints against the CE should be directed to the Chair of the Trust Board via email or letter who will then investigate. Response timescales will reflect those detailed in section 6. If the complainant remains unsatisfied, they must write to the Clerk to the Trust Board who will then convene a panel of 3 Trustees to hear the complaint.

The panel will follow the format laid out in Section 6, Stage 3.

Complaints against the Trust Board

Complaints about a member of the Trust Board (apart from the Chair of the Trust) – to be referred to the Chair of the Trust Board (who will investigate).

Complaints about the Chair of the Trust – to be referred to the Vice-Chair of the Trust (who will investigate).

Response timelines will reflect those detailed in Section 6.

If the complainant remains unsatisfied, they must write to the Clerk to the Trust Board, who will then convene a complaints panel of 3 Trustees to hear the complaint. The panel will follow the format laid out in section 6, stage 3.

9. Referring complaints on completion of the Trust'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 may check whether the complaint has been dealt with properly by the Trust / school. The ESFA will not overturn a 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 Trust's complaints procedure is found to not meet regulations, the Trust will be asked to correct its procedure accordingly.

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

www.gov.uk/complain-about-school

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

10. Persistent complaints

10.1 Unreasonably persistent complaints

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

- Has made the same complaint before, and it's already been resolved by following the Trust'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.

10.2 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.

10.3 Complaint campaigns

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

11. Record keeping and confidentiality

The Trust / 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 stored securely, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or 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 the Records Management policy.

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

Where the LGB / Trust Board is aware of the substance of the complaint before the review panel stage, the Trust / 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 Trust Board / LGB who will not unreasonably withhold consent.

12. Learning lessons

The Trust Board / LGB will review any underlying issues raised by complaints with the Trust Leaders / Headteachers, 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.

13. Monitoring arrangements

The Trust Board will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly. The Trust will track the number and nature of complaints, and review underlying issues as stated in section 12.

This policy will be reviewed by the Trust Board annually.

14. Links with other policies

Policies dealing with other forms of complaints include:

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

15. Contacts

School Offices

Elston Hall Primary School

Stafford Road
Fordhouses
Wolverhampton
WV10 6NN
Phone Number (01902) 558866
Email office@elston.org.uk

Palmers Cross Primary School

Windermere Road
Wolverhampton
WV6 9DF
Phone Number 01902 558322
Email office@palmers.org.uk

Edward the Elder Primary School

Moathouse Lane East
Wednesfield
Wolverhampton
WV11 3DB
Phone Number 01902 558765
Email office@edwardtheelder.org.uk

Goldthorn Park Primary School

Ward Road
Wolverhampton
WV4 5ET

Phone Number 01902 558730

Email office@goldthorn.org.uk

Pheasey Park Farm Primary School & Early Years Centre

Wimperis Way
Great Barr
Birmingham
B43 7DH

Phone Number 0121 3666183

Email postbox@pheasey.org.uk

Tipton Green Junior School

Manor Road
Tipton
DY4 8PR

Phone Number 0121 5579242

Email office@tiptongreen.org.uk

Chair of the Local Governing Boards / Trust Board / Clerk to Local Governing Boards

Chair of the LGB's, Chair of the Trust Board and Clerks to our Local Governing Boards can be contacted via the HR & Governance Leader, Mrs D Cooper, who is also the Clerk to the Trust Board.

Mrs D Cooper, HR & Governance Leader

dcooper@ehlt.org.uk

Elston Hall Learning Trust
Stafford Road
Fordhouses
Wolverhampton
WV10 6NN