

Complaints Procedure Policy



On behalf of:

**North Road Academy
&
North Road Nursery**

Approved By	Naeem Bashir
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1. Aims

Our school 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
- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full.

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

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

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).

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”. The school will resolve concerns through day-to-day communication as far as possible

- A complaint is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”

3.2 Safeguarding

Wherever a complaint indicates that a child’s wellbeing or safety is at risk, the Academy is under a duty to report this immediately to the local authority. Any action taken will be in accordance with the Academy’s safeguarding policy.

3.3 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
- Behaviour Policy
- Whistle-blowing
- Staff grievances

Please see our separate policies for procedures relating to these types of complaint.

Complaints about the 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
- Treat all those involved with respect
- 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 Clerk to the complaint committee

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

4.4 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 Time scales

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 time frame 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 next school day.

If at any point we cannot meet the time scales 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 4234 or 0300 123 4666, or by emailing enquiries@ofsted.gov.uk. An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

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

6. Stages of complaint

If a complaint refers to a member of the Senior Leadership Team, it should be made to the Head. If a complaint refers to the Head, it should be made to the Chair of the independent Complaints committee (contact details appendix 1)

6.1 Stage 1: informal

The school 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, 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 by telephone on 01782 82970 or by email, admin@northroadacademy.com.

The school will acknowledge informal complaints within 2 school days, and investigate and provide a response within 5 school days.

The informal stage will involve a meeting between the complainant and a member of senior leadership team, or nursery manager or headteacher and/or the subject of the complaint, if appropriate.

If the complaint is not resolved informally, it will be escalated to a formal complaint. The staff member will provide written confirmation of the outcome of their investigation within 15 working days of having sent confirmation of the intended action. Where the complainant is not satisfied with the outcome, they are able to progress to stage 2 of the complaints process and launch a formal written complaint.

The staff member will make a record of the concern and the outcomes of the discussion which will be held for twelve months, in line with the principles of Data Protection regulation.

6.2 Stage 2: formal

If the complaint cannot be resolved on an informal basis, then the complaint should be put in writing to the Head without delay and at most within 15 school days of the conclusion of Stage 1 above. The parents should state in the letter that they want the matter to be dealt with under the Stage 2 procedure. The letter should be accompanied by a completed copy of the Complaints Form (see Appendix 1).

The complainant should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

If complainants need assistance raising a formal complaint, they can contact the school office by telephone on 01782 82970 or by email, admin@northroadacademy.com.

The headteacher (or other person appointed by the headteacher for this purpose) will respond in writing within 10 working days (excluding those that fall in the school holidays) of the date of receipt of the complaint to acknowledge receipt of the complaint and explain what action will be taken, giving clear timeframes.

The Head (or other person appointed by the headteacher for this purpose) will gather information from everyone concerned to confirm the substance of the complaint. The Head will consider all relevant evidence; this may include but is not limited to:

- A statement from the complainant,
- Where relevant a statement from an individual who is the subject of the complaint
- Any previous correspondence regarding the complaint
- Any supporting documents in either case
- Interview with anyone related to the complaint

It may be necessary for the Head to carry out further investigations and this responsibility is likely to be shared with members of the Senior Leadership Team.

The Head will keep written records of all meetings and interviews held in relation to the complaint and details of complaints made in this way are kept in confidential files. These details will be provided to the Panel in the event of a stage 3 Panel hearing.

After considering the available evidence, the options available to the Head are:

- Uphold the complaint and direct that certain action be taken to resolve it.
- Reject the complaint and provide the complainant with details of the stage three appeals process.
- Uphold the complaint in part: in other words, the Head may find one aspect of the complaint to be valid, but not another aspect. They may direct for certain action to be taken to resolve the aspect that they find in favour of the complainant.

The Head must inform the complainant of their decision in writing within 20 working days of having issued written acknowledgement of the receipt of the complaint. They must explain

clearly why they have come to the decision that they made. They must detail any agreed actions as a result of the complaint.

Finally, they must provide the complainant with details of how to progress the complaint to stage 3 if they are not satisfied, providing them with the contact details of the independent review panel.

6.3 Stage 3: review panel

If the complainant wishes to appeal a decision by the Head at stage 2 of the procedure, or they are not satisfied with the action that the Head took in relation to the complaint, the complainant is able to appeal this decision.

They must write to the Independent review panel (see the Further Information at the end of the procedure) briefly outlining the content of the complaint and requesting that a complaints appeal panel be convened.

It is not possible to move to this stage without following through the Stage 2 procedure.

A member of the independent review panel will fulfil the role of organising the time and date of the appeal hearing, inviting all the attendees, collating all the relevant documentation and distributing 5 days in advance of the meeting, recording the proceedings in the form of minutes, and circulating these and the outcome of the meeting.

The complainant must request a panel review within 4 weeks of receiving the Head's decision, or it will not be considered, except for in exceptional circumstances. On receipt of this written notification, the following steps will be followed:

A member of the panel will write to the complainant within 5 school working days to confirm receipt of the appeal request and detail further action to be taken.

The panel will be appointed by or on behalf of the proprietor and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the school. The panel cannot be made up solely of proprietaries, as they are not independent of the management and running of the school.

The panel will have access to the existing record of the complaint's progress.

The appeal hearing will take place within 20 working days (excluding those which fall in the school holidays) of receipt of the date of the confirmation letter from the clerk to the complainant, confirming the appeal.

In addition to the panel, the following parties will be invited, where applicable:

- The complainant
- The Head who dealt with the complaint at Stage 2
- Where the complaint regards a member of staff, the staff member who is the subject of the complaint.

The complainant is also able to bring a companion with them to the hearing if they wish. Where the subject of the complaint is a member of staff, that staff member is also able to bring a companion with them. The companion will be a friend or colleague. If after the hearing any party feels that legal action is necessary, please see the contact details at the end of the procedure.

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.

The panel can make the following decisions:

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Decide on the appropriate action to be taken to resolve the complaint
- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

This is the final stage at which the Academy will consider the complaint. If the complainant remains dissatisfied and wishes to take the complaint further, please see the Further Details section 16 at the end of the document. The Academy will not consider the complaint beyond this.

PROCEDURE FOR PANEL HEARING

The order of business will be as follows:

- Complaint Panel will greet the Complainant, the Complainant's supporter and the Academy's Representative and welcome them into the room where the Complaint Panel has convened (any witnesses will remain outside of the room until they are called in to give their account)
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses* (if any).
- The Head may question both the complainant and the witnesses after each has spoken. The panel may ask questions at any point
- The Head is then invited to explain the Academy's actions and be followed by the Academy's witnesses.
- The complainant may question both the Head and the witnesses after each has spoken. The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Head will be invited by the Complaint Panel to summarise their response to the complaint and the Academy's stance.
- Both parties leave together while the panel decides on the issues. The Chair explains that both parties will hear from the panel within a set timescale.

*Witnesses are only required to attend for the part of the hearing in which they give their evidence.

COMPLAINT PANEL'S DECISION

The Complaint Panel will convene in private, either immediately after the Complaint Panel Hearing or on a subsequent date, and will consider all of the documentation and everything that they have heard at the Complainant Panel Hearing and make:

Findings of Fact: The Complaint Panel will decide which facts are established to be true, on a balance of probabilities (i.e. more likely than not). If a fact is not deemed relevant, the Complaint Panel will not consider it further. The Complaint Panel will make a written record of the facts that have been established, those which have not been established and those which are not relevant, with their reasons for making these findings.

Recommendations: The Complaint Panel will consider the facts which they have established and will make recommendations based upon them. These recommendations may be aimed at achieving reconciliation between the parties (for example, a written apology), improving procedures or preventing a recurrence in the future. The Complaint Panel will keep a written record of their recommendations, with reasons.

NOTIFICATION OF THE COMPLAINT PANEL'S DECISION

A member of the complete panel will write within 10 Academy days of the Complaint Panel Hearing to the:

- Complainant;
- The Academy's Representative;
- Any person complained about;

The letter will identify each of the issues complained about, summarise how the Complaint Panel Hearing proceeded, and confirm each of the Complaint Panel's findings of fact and recommendations, if any, with reasons. The letter will also confirm that, if the Complainant believes that this Complaints Policy does not comply with the Regulations, or that the Academy has not followed the procedure outlined in this Complaints Policy.

FACTORS FOR THE COMPLAINT PANEL TO CONSIDER

It is important that the Complaint Panel Hearing is independent and impartial, and that it is seen to be so. No person may sit on the Complaint Panel if they have had a prior involvement in the matters which gave rise to the complaint, in dealing with the complaint in the previous stages, or have a prior detailed knowledge of the complaint;

The aim of the Complaint Panel Hearing, which must be held in private, will always be to resolve the complaint and achieve reconciliation between the Academy and the Complainant. However, it has to be recognised that the Complainant may not be satisfied with the outcome if the Complaint Panel does not find wholly in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the Complainant that his or her complaint has been taken seriously;

An effective Complaint Panel will acknowledge that many Complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The Chair of the Complaint Panel will ensure that the Complaint Panel

Hearing is as welcoming as possible while ensuring that it is procedurally fair to all parties. The layout of the room will set the tone and care is needed to ensure the setting is informal and not substantially adversarial;

Extra care needs to be taken when the Complainant is a child, or there are child witnesses present. Care should be taken to ensure that the child does not feel intimidated. The Complaint Panel should be aware of the views of the child and give them equal consideration to those of the adults present. Where the child's parent is the Complainant, it would be helpful to give the parent the opportunity to suggest which parts of the hearing, if any, the child should attend, with the Chair retaining discretion.

GUIDANCE FOR COMPLAINT PANEL MEMBERS

The Complaint Panel should ensure that they are familiar with the complaints procedure in advance of the Complaint Panel Hearing.

The Chair of the Complaint Panel will play a key part at the Complaint Panel Hearing, ensuring that:

The remit of the Complaint Panel is explained to the parties, and each party has the opportunity of making representations without undue interruption;

- All of the issues raised in the complaint are addressed;
- Key findings of fact are made, on a balance of probabilities;
- Each party treats the other with respect and courtesy;
- The Complaint Panel is open minded and acts independently of the Academy;
- No member of the Complaint Panel has a vested interest in the outcome of the proceedings;
- Each side is given the opportunity to state their case and ask questions;
- All written material is seen by all parties. If a new issue arises during the course of the Complaint Panel Hearing, it would be useful to give all parties the opportunity to consider and comment on it.

7. Referring complaints on completion of the school's procedure

If the complainant is unsatisfied with the outcome of the school's complaints procedure and the complaint is regarding the school not meeting standards set by the DfE in any of the following areas, the complainant can refer their complaint to the DfE:

- Education
- Pupil welfare and health and safety
- School premises
- Staff suitability
- Making information available to parents
- The spiritual, moral, social or cultural development of pupils

The DfE will consider reports of a major failure to meet the standards. Where appropriate, it can arrange an emergency inspection to look at pupil welfare and health and safety, and make sure that the school deals with serious failings.

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

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

8. Persistent complaints

8.1 Unreasonable Complaints

Where a Complainant raises an issue that has already been dealt with via the Academy's complaints procedure, and that procedure has been exhausted; the Academy will not reinvestigate the complaint except in exceptional circumstances, for example where new evidence has come to light.

If a Complainant persists in raising the same issue, the Head will write to them explaining that the matter has been dealt with fully in line with the Academy's complaints procedure, and therefore the case is now closed. The Complainant will be provided with the contact details of the Department for Education (see the end of this document) if they wish to take the matter further.

Unreasonable complaints include the following scenarios:

- The Complainant refuses to co-operate with the Academy's relevant procedures.
- The Complainant changes the basis of the complaint as the complaint progresses.
- The complainant seeks an unrealistic outcome
- Excessive demands are made on the time of staff and proprietors, and it is clearly intended to aggravate.
- The Complainant acts in a way that is abusive or offensive.

The Head will use their discretion to choose not to investigate these complaints. Where they decide to take this course of action, they must inform the independent complaints panel that they have done so, explaining the nature of the complaint and why they have chosen not to investigate. If the panel deems it appropriate to, they can redirect the Head to investigate the complaint. The full complaints procedure will commence from stage one on this direction.

If the Chair upholds the Head's decision not to look into the complaint, and the complainant deems this decision to be so unreasonable that no other rational body in the same position would have made that decision, then the Complainant may follow the same procedure

8.2 Complaint campaigns

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

- Publishing a single response on the school website

- Sending a template response to all of the complainants

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

9. Record keeping

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

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) 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

10. Monitoring arrangements

The Independent complaint committee will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The committee will track the number and nature of complaints, and review underlying issues.

The complaints records are logged and managed by the Headteacher

This policy will be reviewed by the headteacher once every 3 years

At each review, the policy will be approved by independent complaints committee

11. Links with other policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Behaviour policy
- Staff grievance procedures
- SEN policy and information report
- Privacy notices

If you feel you have been unsuccessful in resolving your complaint and you wish to take the matter further, the please complete this form and send it to:

F.A.O Headteacher/ nursery manager
North Road Academy
North Road
Stoke-on-Trent
ST6 2BP

If your complaint is against the Headteacher/ nursery manager then please mark "F.A.O: Independent complaints committee". A copy of the complete procedure can be obtained from the School/Nursery website.

Name _____

Address _____

Tel no (Home) _____ (Mobile) _____

Name of Child _____ Date of Birth _____

What is your complaint about and what would you like the Headteacher/ nursery manager to do?

(continue on a separate sheet if necessary)

When did you discuss your concern/complaint and with which member of staff?

What was the result of the discussion?

Signed _____

Date _____
