

Hillcrest Early Years Academy



Complaints Policy

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COMPLAINTS PROCEDURE

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Introduction

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

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).

Aims

Our academy aims to meet its statutory obligations when responding to complaints from parents of pupils at the academy, 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 academy 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 academy 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 academy website.

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

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”

Scope

This procedure is made accessible to the public via our Academy website.

The academy 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
- Exclusion
- Whistle-blowing
- Staff grievances

- Staff discipline which are dealt with under separate procedures.

Arrangements for handling complaints from parents of children with special educational needs (SEN) about the academy's support are within the scope of this policy. Such complaints should first be made to the special educational needs co-ordinator (SENCO); they will then be referred to this complaints policy. Our SEN policy includes information about the rights of parents of pupils with disabilities who believe that our academy has discriminated against their child.

Complaints about services provided by other providers who use academy premises or facilities should be directed to the provider concerned.

Complaints by employees of the Academy are usually dealt with via the grievance procedure.

It is the Academy's intention that this Complaints Procedure will:

- Encourage resolution of problems by **informal** means wherever possible;
- Be **simple** to understand and use;
- Be impartial;
- Be non-adversarial;
- Allow **swift** handling with established **time-limits** for action and keeping people informed of the progress;
- Ensure a full and **fair** investigation by an independent person where necessary;
- Respect people's desire for **confidentiality**;
- Address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary;
- Provide **information** to the academy's senior management team so that services can be improved.

Roles and Responsibilities

The complainant

- The complainant will get a more effective and timely response to their complaint if they:
- Follow these procedures
- Co-operate with the academy throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed
- Treat all those involved with respect
- Not publish details about the complaint on social media

The investigator

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

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

Governance Professional

The Governance Professional will:

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

Committee chair

The committee chair will:

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

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

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 exceptional 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 academy day after the holiday period.

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

Specific Provisions

Exclusions and Exceptional Circumstances

An anonymous complaint will only be investigated in very limited and exceptional circumstances.

In such cases, the academy may either involve appropriate external agencies or conduct its own internal review to test whether there is any corroborative evidence, which might trigger a formal investigation.

The Procedure

Complaints not against the Headteacher or Trustees.

Stage One (informal)

The academy 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 academy office on 01427 613483.

The academy will acknowledge informal complaints within 5 academy days, and investigate and provide a response within 28 academy days.

The informal stage will involve a meeting between the complainant and the 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.

Members of staff dealing with such concerns should keep a record of the concern and the steps taken to deal with it. This is particularly important where the concern is raised (and resolved) verbally.

Stage Two (formal)

The formal stage involves the complainant putting the complaint to the Headteacher and/or the subject of the complaint:

- In a letter or email
- Over the phone
- In person
- Through a third party acting on their behalf

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. Please see Annex 1 for a format which can be used to submit a complaint.

If complainants need assistance raising a formal complaint, they can contact the academy office on 01427 613483.

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 28 academy days.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the Governance Professional who can be contacted via the academy office: enquiries@hillcrest.lincs.sch.uk in writing within 5 academy days.

Stage Three (formal): Appeal Panel

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.

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 academy. The panel cannot be made up solely of board of trustees, as they are not independent of the management and running of the academy.

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

The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. At the review panel meeting, the complainant and representatives from the academy, 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 if they wish.

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 academy representative(s) will be given the chance to ask and reply to questions. Once the complainant and academy representative(s) have presented 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 individual who is the subject of the complaint, and make a copy available for inspection by the proprietor and Headteacher.

The academy will inform those involved of the decision in writing within 28 academy days.

Conduct of the Panel Hearing

At the hearing, the complainant will be given a full and fair opportunity to present the grounds of their complaint and any supporting evidence, together with their reasons for rejecting the decision of the Headteacher's decision at Stage 2. It should be made clear what resolution is sought by the complainant and why this is considered appropriate.

No trustee will sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.

The Panel's decision will usually be reached on the basis of the documentary evidence available, although the panel may adjourn the hearing if necessary to conduct further investigation. The Panel's role is not to re-investigate the case, but to review the steps taken to date.

In order to retain the non-adversarial approach recommended by the DfE, the following principles will apply to the hearing:

- The panel will act independently and impartially;
- The hearing will be as informal as possible and the Panel will endeavour to put and keep the complainant at their ease;
- Witnesses will not normally be required to attend to give evidence in person, and the written evidence (as recorded in notes of any investigation interview) will usually be taken as read;
- Should the complainant want a particular witness to attend in person, this request should be justified with reasons and the Panel should make the decision as to whether to proceed in this way. In such cases, the witness will only be required to attend for the part of the hearing in which they give their evidence and can afterwards be excused;
- The focus of the hearing will be on hearing from the complainant. The Headteacher, if attending, can respond to points raised by the complainant;
- The panel may ask questions at any point;
- The complainant will not be present whilst the Panel deliberates; and
- The Panel's decision will be confirmed in writing following the hearing.

The welfare of any child/young person is paramount.

The Panel's Decision

The Panel will have to consider the issues raised by the complainant and the evidence supporting their complaint.

It will often be the case that the evidence of two or more witnesses' conflict, and in such cases, the Panel will have to make a finding of whose evidence to prefer and the reasons why they have reached this decision.

The Panel will consider the complainant's appeal and may:-

- 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 academy's systems or procedures to ensure that problems of a similar nature do not recur.

Dismissal of a complaint may be done where (without limitation):-

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld.

- The concern is not substantiated by the evidence.
- The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential.

Where a complaint is substantiated in part or in full, some details may then be given of action the academy may be taking to review procedures etc. but details of the investigation or of any disciplinary procedures will not be released.

The decision will be confirmed in writing to the complainant as soon as reasonably practicable and usually within 10 term-time days.

The Stage Three Panel Hearing is the last stage of the Academy complaints process.

Once a complaint has been addressed formally via this procedure, the matter will be closed. Should a complainant remain dissatisfied, despite all stages of the procedures having been followed, and seek to reopen the same issue, the Chair of the Trustees will simply inform them in writing that the procedure has been exhausted and that the matter is now closed. A sample letter is set out at Annex 2.

Complaints against the Headteacher, a trustee or the board of Trustees

Stage One (Informal)

Complaints made against the Headteacher or any member of the board of trustees should be directed to the Governance Professional in the first instance via the academy office.

If the complaint is about the Headteacher or one member of the board of trustees (including the chair or vice-chair), a suitably skilled and impartial trustee will carry out the steps at stage 1 outlines above.

Stage Two (Formal)

If the complaint is jointly about the chair and vice-chair, the entire board of trustees or the majority of the board of trustees, an independent investigator will carry out the steps in stage 2. They will be appointed by the board of trustees and will write a formal response at the end of their investigation.

Stage Three (Review Panel)

If the complaint is jointly about the chair and vice-chair, the entire board of trustees or the majority of the board of trustees, a committee of independent Governors/Trustees will hear the complaint. They will be sourced from local academies or the local authority and will carry out the steps at stage 3 as discussed above.

Monitoring and Review

The Headteacher will report on the operation of the Complaints Procedure to the Board of Trustees on a half-termly basis and to the Board of Members once a year. This report will include:

- The number of formal complaints that have been made.
- The number that have been satisfactorily dealt with at the point of the original investigation.
- The number of occasions on which the Appeal Panel has met.
- Any significant amendments to academy policy or practice as a result of the complaints made.
- Any issues that have arisen in the operation of the Complaints Procedure.

The Headteacher's report will respect the confidentiality of the individual.

In the light of the Headteacher's report, the Board of Trustees will consider whether or not the complaints procedure should be amended in any way.

Education Funding Agency (EFA)

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the EFA who will consider whether the complaint has been dealt with properly by the academy.

The EFA academy's complaints form can be accessed from the following link:

<https://www.education.gov.uk/academys/leadership/academyperformance/academycomplaints-form>

The EFA will consider complaints about academies that fall into any of the following three areas:

1. Where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint;
2. Where the academy is in breach of its funding agreement with the Secretary of State;
or
3. Where an academy has failed to comply with any other legal obligation.

The EFA will consider whether the complaints policy and any other relevant statutory policies have been adhered to. The EFA will not overturn an academy's decision about a complaint; however, if it is found that an academy did not deal with a complaint properly then the EFA may request that the complaint is looked into again.

If legislative or policy breaches are found, the EFA will report them to the academy and where necessary, ask for corrective action to be taken.

Unreasonable Conduct by a Complainant

The Academy 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 Academy. 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.

Complainants should limit the number of communications with an Academy 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.

Complainants (and/or anyone acting on their behalf) may be deemed by the Headteacher and /or the Chair of Trustees to be unreasonable if they have behaved in any of the following ways (this list is not exhaustive):

- The complainant makes such frequent contact with the academy that objective consideration of a “live” complaint is hindered;
- The complainant makes a string of further complaints about a “live” investigation or changes aspect of the complaint, during the investigation;
- The complainant exhausts all stages of the academy’s complaints procedure but continues to pursue the same matter;
- The complainant seeks an unrealistic outcome and persists in doing so despite being advised that this is the case.
- The complainant’s communications are:
 - Malicious, abusive or aggressive; o Use threats, intimidation or violence; o Use offensive, abusive or discriminatory language; o Known by them to be false and/or contain falsified information;
- Publish unacceptable information in a variety of media such as in social media websites and newspapers.
- The complainant makes insulting personal comments about, or threats towards, staff.
- The complainant makes unjustified complaints about staff who are trying to deal with the issues, and seek to have them replaced.
- The complainant refuses to articulate their complaint or specify their grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- The complainant refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- The complainant makes excessive demands on academy 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.

In these examples a “contact” may be in person, in writing, email, by telephone or SMS text. Whenever possible, the Headteacher or Chair of Trustees will discuss any concerns with the complainant informally before applying an “unreasonable” marking to their communications.

Where a complainant continues to behave in an unacceptable fashion the Headteacher or Chair of Trustees will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. The Academy may decide to deal with such complaints in one or more of the following ways, for example:

- a. Try to agree with the complainant a code of behaviour for the parties involved if the Academy is to continue processing the complaint.
- b. To require contact to take place with a named officer only.
- c. To restrict telephone calls to specified days and times.
- d. To restrict contact with the complainant to one form of contact only.
- e. To limit the number of times contact can be made per term.

If this behaviour continues then the Chair of Trustees or Headteacher may authorise staff to terminate contact with the complainant (except in matters directly related to the education and welfare of their child) and they may discontinue any further investigation being carried out. The complainant will already have been given a clear statement of the Academy’s position and have taken all reasonable steps to address the complainant’s needs. Any further written contact from the complainant will be read and placed on file. Telephone calls relating to the complaint will be terminated and logged on the record. The Academy should usually review this position after 6 months.

Barring from the Academy Premises

If a parent’s behaviour is a cause for concern, the Academy can ask them to leave the premises. In response to any serious incident of aggression or violence, the police may be informed.

The Academy can notify a parent, in writing, that their implied licence to be on the premises has been temporarily revoked; however, the parent will be able to formally express their views on the decision to bar, in writing.

The decision to bar will be reviewed, taking into account any representations made by the parent, and will either be confirmed or lifted. If the decision to bar is confirmed, the parent will be notified in writing, explaining how long the bar will be in place.

Record Keeping

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

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

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a academy inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and record retention schedule (7 years).

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

Where the board of trustees is aware of the substance of the complaint before the review panel stage, the academy 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 board of trustees, who will not unreasonably withhold consent.

Learning Lessons

The Board of Trustees will review any underlying issues raised by complaints with the Headteacher and/or senior leadership team where appropriate, and respecting confidentiality, to determine whether there are any improvements that the academy can make to its procedures or practice to help prevent similar events in the future.

Monitoring arrangements

The board of trustees and Headteacher will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The board of trustees 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 and full board of trustees every 2 years.

At each bi-annual review, the policy will be approved by the full board of trustees. The Headteacher will update the policy annually.

Annex 1 Complaint form

This is a Complaint Form intended to instigate Stage 2 of the Complaints Procedure, after attempts to resolve the concern informally under Stage 1 have not provided you with a resolution you consider satisfactory.

Stage 1 should only be omitted in exceptional circumstances (and in such cases the reasons why should be set out below). If the academy does not consider that Stage 1 has been appropriately omitted, it reserves the right to refer your complaint back to that stage.

Please complete and return to the Academy Business Manager via the office who will acknowledge receipt and explain what action will be taken.

Your name:		Pupil's name:	
Address:		Your relationship to the pupil:	
		Daytime telephone number:	
		Evening telephone number:	
<p>Please give concise details of your complaint.</p> <p>Please include, where possible, dates, names of witnesses, etc. as this will enable the academy to properly investigate your complaint.</p>			

<p>What action, if any, have you already taken to try and resolve your complaint.</p> <p>(Who did you speak to and what was the response)?</p>	
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<p>If you have not taken such action, please set out here your reasons.</p>	
<p>What actions do you feel might resolve the problem at this stage?</p>	
<p>Are you attaching any paperwork? If so, please give details.</p>	
<p>Signed:</p>	
<p>Dated:</p>	
<p><u>Official Use</u></p>	
<p>Date acknowledgement sent:</p>	
<p>By who:</p>	
<p>Complaint referred to:</p>	
<p>Date:</p>	

Dear

Following receipt of your communications and careful consideration of the same, I regret that I am unable to deal with this matter under the Academy's Complaints Procedure as:

Please select appropriate wording from the following:

- You have not identified any specific actions of which you might complain
- Your concerns are presented as conclusions rather than specific actions of which you complain.
- The concerns that you identify relate to historical actions and any evidence which might have enabled an objective investigation of your complaint is no longer available.
- The substance of your complaint has been addressed under this procedure already.
- The concerns that you raise do not fall within the scope of this procedure. [I have enclosed a copy of the [NAME] policy.]
- You have not identified any potential sources of evidence which might allow the matter to be investigated.
- The academy offered to resolve the matter informally and in my judgement you refused unreasonably to take advantage of this.

If you wish my decision to be reviewed then you may write to the Governance Professional.

Yours sincerely,

Headteacher

Annex 3 The Remit of The Complaints Appeal Panel

Any Trustee sitting on a complaints panel should bear the following in mind:

- a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No Trustee may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, Trustees or Members need to try and ensure that it is a cross-section of the categories of Trustees and sensitive to the issues of race, gender and religious affiliation.
- b. The aim of the hearing, which needs to 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 the complainant might not be satisfied with the outcome if the hearing does not find 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.
- c. An effective 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 panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- d. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- e. The Trustees or Members sitting on the panel need to be aware of the complaints procedure.

This policy was agreed by all staff and the Board of Trustees.

It will be reviewed by the Headteacher and issued to the parents via the academy's website on an annual basis. However, the policy will be reviewed by the Board of Trustees on a bi-annual basis.