

# Complaints Procedure

Where education is more than what you  
know, it's who you can become...

Approved By	<b>Hujjat School Trust Board</b>
Date	<b>December 2025</b>
Owner	<b>HPS SLT</b>
Review By	<b>December 2026</b>



## VISION

Hujjat Primary School will be a happy and inclusive school inspired by Islamic values. A place where children can indulge their curiosity, develop a love for learning and build the foundation to become ethical, responsible and inspirational members of society.

## MISSION

To nurture children within a safe and caring learning environment to realize their full potential academically, physically, spiritually, emotionally and socially. We believe that true education is not just about acquiring skills and achieving standards, but facilitating the well-being and growth of every child's mind, body and spirit in the best possible way.

## VALUES

- Integrity
- Respect
- Compassion
- Excellence
- Service
- Gratitude

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## AIMS

This policy and the procedures for its implementation aim to clarify the way in which concerns and complaints are managed. It aims to do so in a way that is clear and concise. The Policy also seeks to promote a consistent and transparent approach to dealing with concerns and complaints.

## INTRODUCTION

Free Schools are required to have complaints procedures meeting certain requirements by the Education (Independent School Standards England) Regulations 2014 Part 7 and to make the procedure available to parents of pupils and parents of prospective pupils.

Hujjat School Trust accepts that the actions of those individuals who work in the school will and should be open to comment, question and, on occasions, criticism. The Trust takes complaints seriously and strives to deal with concerns and complaints swiftly and thoroughly. In a spirit of accountability, the Trust will attempt to resolve general school concerns and complaints through the most appropriate process and, where necessary, this may involve formal procedures.

This policy does not cover every type of complaint. The issues noted below have their own separate procedures:

- Matters that are the responsibility of the Local Authority such as pupil admissions
- Statutory assessment of Special Educational Needs
- Matters likely to require a Child Protection Investigation (handled under our Child Protection and Safeguarding policy and in line with statutory guidance)
- Exclusion of pupils from school
- The National Curriculum and related matters
- Whistleblowing (handled under our Whistleblowing Policy for all employees, including temporary staff and contractors)
- Staff grievances (handled under our Grievance Policy)
- Staff conduct (handled under internal disciplinary procedures, if appropriate)
- Complaints about the services provided by other providers who may use school premises or facilities (providers should have their own complaints procedure to deal with this).

## PRINCIPLES

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally and without the need to use the formal stages of the complaints procedures. This policy is underpinned by the principles noted below:

- 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 about actions taken or a lack of action'
- Concerns and complaints will be considered and resolved as quickly and as efficiently as possible
- Concerns and complaints will be dealt with by the member of staff best suited to deal with the matter
- If the concern or complaint is about an individual member of staff they have a right to know the substance and source of any allegation made against them
- Complaints will be dealt with in line with any relevant national legislation and statutory obligations
- Concerns and complaints will be dealt with having due regard for confidentiality and the security of any records in line with current data protection policy and guidance.

## IMPLEMENTATION

The Trust has a three stage process for dealing with concerns and complaints. Further details of each stage together with roles and responsibilities of staff involved can be found within this document. The three stages are:

Stage 1 – concern heard by a member of staff (informal)

Stage 2 – complaint heard by the Headteacher (complaint which is put in writing)

Stage 3 – complaint heard by the Trust Board's complaint appeal panel

### STAGE 1

A concern can be made in person, in writing or by telephone. A concern may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent so to do. Concerns should be raised with the appropriate member of staff, most likely the class teacher or a member of the senior leadership team. A complaint under stage 1 should be responded to in writing or at a meeting within five working days.

## STAGE 2

If the Complainant thinks that their concern has not been resolved then the next step is to make a formal complaint. Complaints should be submitted in writing within 10 school days of the final informal discussion. During this stage the Headteacher will deal with the complaint. The Headteacher will respond to the complaint in writing via a letter or an email within 10 school days.

## STAGE 3

If the Complainant is still not satisfied they should write to the Chair of Trustees giving full details of the complaint and the reason why they remain dissatisfied with previous attempts to resolve the complaint. The request must be received within 10 school days of the date the letter was received from the Headteacher.

- The Chair of Trustees, or a nominated Trustee, will convene a Complaints Panel within 15 school days of receipt of the letter.
- One of the Trustees will be appointed as the Chair of the Complaints Panel. This will not necessarily be the Chair of Trustees.
- The Clerk to the Panel will invite the Complainant to attend the Complaints Panel. The Complainant will be informed of the time, date and venue for the hearing. The Complainant can, if they so wish, be accompanied by a relative or friend when attending the Panel.
- The Clerk will collate and distribute any relevant information.
- The Complaints Panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
- The Complaints Panel will also not review any new issues at this stage or allow evidence unrelated to the initial complaint to be included. New issues must be raised in line with this policy.
- The Complaints Panel will consist of at least three Trustees who were not directly involved in the matters detailed in the complaint. At least one Trustee must be independent of the management and running of the School. The Chair will appoint a suitably independent individual to fulfill the role.
- The Chair will ensure that the Complainant is informed of the Panel's decision, in writing, within 10 school days of the Panel hearing.
- The Panel hearing will be held in private with the aim of resolving the complaint and achieving reconciliation between the School and the Complainant.
- The Complaints Panel will aim to reach an outcome in respect of the complaint (i.e. upheld, partially upheld, not upheld, unable to substantiate). The Panel will also decide and agree on any appropriate action to be taken as a result of the complaint and make recommendations to change processes/procedures to ensure problems of a similar nature do not recur.
- Any disciplinary outcome of any investigation into the conduct of a member of staff is a confidential matter between the member of staff and the Headteacher/Trustees and will not be disclosed to the complainant.

- The implementation and adherence to this procedure should reduce the number of complaints that become protracted or vexatious. If a complainant tries to reopen the same issue the Chair of Trustees will write to the complainant explaining that the complaint has been through all stages of the procedure, is now exhausted and the matter is now closed. Any further attempt to reopen the issue will be dealt with under the Serial and Unreasonable Complaints Policy.
- This policy is published on the Trust and academy website and is available from the Main School Office on request.

Should a complainant remain dissatisfied following a Stage 3 complaint they will be advised of their right to escalate their complaint to the following bodies:

### **Department for Education**

If a complainant feels that the school has or is proposing to act unreasonably, or has failed to discharge a duty under certain legislation they can contact the Department for Education via the following link:

[https://form.education.gov.uk/en/AchieveForms/?form\\_uri=sandbox-publish://AF-Process-f9f4f5a1-936f-448b-bbeb-9dcdd595f468/AF-Stage-8aa41278-3cdd-45a3-ad87-80cbffb8b992/definition.json&redirectlink=%2Fen&cancelRedirectLink=%2Fen&consentMessage=yes](https://form.education.gov.uk/en/AchieveForms/?form_uri=sandbox-publish://AF-Process-f9f4f5a1-936f-448b-bbeb-9dcdd595f468/AF-Stage-8aa41278-3cdd-45a3-ad87-80cbffb8b992/definition.json&redirectlink=%2Fen&cancelRedirectLink=%2Fen&consentMessage=yes)

### **Education & Skills Funding Agency**

If a complaint comes to the ESFA they will check whether the complaint has been dealt with properly by the Trust. They will consider complaints about Academies that fall into any of the following three areas:

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

They will not overturn an Academy's decision about a complaint. However, if they find an Academy did not deal with a complaint properly they will request the complaint is looked at again and procedures meet the requirements set out in the Regulations. If the Academy's complaints procedure does not meet the Regulations, they will ask the Academy to put this right. They may seek to enforce the decision under the terms of the funding agreement on behalf of the Secretary of State, if appropriate.

## OTHER INFORMATION

Hujjat Primary School will:

- Deal with complaints from people who are not parents of attending pupils in the same way by utilising the process outlined above.
- Not normally investigate anonymous concerns or complaints. However the Headteacher, if appropriate, will determine whether the issue raised warrants an investigation.
- Expect that the concern or complaint will be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. Outside of this time frame only where exceptional circumstances apply will consideration be given to the issue raised.
- Consider concerns or complaints made outside of term time to have been received on the first school day after the holiday period.
- Ensure the complainant is given reasonable notice of the panel hearing date, if the complaint does proceed to the Complaints Panel stage and ensure that the venue is accessible.
- Consider if staff likely to be involved in handling a complaint are suitably trained and supported to do so.
- Provide a copy of the findings and recommendations to the complainant and, where relevant, the person complained about.
- Ensure that records of all complaints, findings and recommendations are available for inspection on the school premises by Trustees.
- Ask that if a complainant wants to withdraw their complaint they confirm this in writing.
- Clearly signpost parents that are not satisfied with the handling of their complaint to the ESFA.
- Not tolerate abusive language or behaviour at any time, and reserve the right to postpone the process should it feel that the welfare of staff, pupils and / or Trustees is at significant risk.
- Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the chair of trustees will inform the complainant that the matter is closed. If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

The school has taken every reasonable step to address the complainant's needs, and the complainant has been given a clear statement of the school's position and her/his options (if any), and the complainant is contacting the school repeatedly but making substantially the same points each time. The school will be most likely to choose not to respond if it has reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, and/or the individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or the individual makes insulting personal comments about, or

threats towards, school staff.

- Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint. Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email. The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.
- Unreasonably persistent complaints are 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 and/or 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.

## APPENDIX 1 COMPLAINT FORM

Please complete and return to [headteacher@hujjatprimary.org](mailto:headteacher@hujjatprimary.org) who will acknowledge receipt and explain what action will be taken.

**Your name:**

**Pupil's name (if relevant):**

**Your relationship to the pupil (if relevant):**

**Address:**

**Postcode:**

**Day time telephone**

**number: Evening telephone**

**number:**

**Please give details of your complaint, including whether you have spoken to anybody at the school about it.**

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

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

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By whom:**

**Complaint referred to:**

**Date:**

