



PIONEER ACADEMIES COMMUNITY TRUST

Policies and Procedures

Complaints Policy

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1.0 Background

All academies must have a complaints procedure which meets the standards set out in the [Education \(Independent School Standards \(England\) Regulations 2010](#) Schedule 1, Part 7.

This policy applies to concerns and complaints other than the following which fall out of the scope of the policy :

Exceptions	Whom to contact
Admissions Statutory assessments of Special Educational Needs Matters likely to require Child Protection investigation	Local Authority
Exclusion from school	Parents and carers may use the procedures detailed in the Exclusions Policy to challenge permanent and fixed term exclusions of more than 5 days in a given term. Concerns about the process followed can be raised via the complaints procedure.
Whistleblowing	Follow Whistleblowing Policy
Staff grievances and disciplinary procedures	Staff grievance policy Staff disciplinary policy
Complaints about services provided by external bodies using school's premises or facilities	Providers should be contacted directly and have their own procedures for such eventualities

1.1 Purpose of a Complaints Procedure

This procedure aims to reassure parents and others with an interest in the school that:

- Where possible, complaints will be dealt with informally and at the lowest possible level in school in order to reach a resolution promptly;
- Any complaint against the school will be dealt with in a fair, open and responsive way, with the aim of achieving a speedy and satisfactory resolution; and
- The Academy recognises that a willingness to listen to questions and criticism and to respond positively, can lead to improvements in school in practices as well as provision.

An effective Complaints Procedure will:

- encourage resolution of problems by informal means wherever possible
- be easily accessible and publicised

- 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 wherever possible
- address all the points at issue and provide an effective response and appropriate redress, where necessary

2.0 Investigating Complaints

It is suggested that at each stage, the person investigating the complaint makes sure that they:

- establish what has happened so far, and who has been involved
- clarify the nature of the complaint and what remains unresolved
- meet with the complainant or contact them (if unsure or further information is necessary)
- clarify what the complainant feels would put things right
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- conduct the interview with an open mind and be prepared to persist in the questioning
- keep notes of the interview

2.1 Resolving Complaints

At each stage in the procedure schools will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology
- an explanation
- an admission that the situation could have been handled differently or better
- It would be useful if complainants were encouraged to state what actions/outcome they feel might resolve the problem at any stage
- An admission that the school could have handled the situation better is not the same as an admission of negligence
- an assurance that the event complained of will not recur
- an explanation of the steps that have been taken to ensure that it will not happen again
- an undertaking to review school policies in light of the complaint

An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

2.2 Recording Complaints

Schools should record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, in writing (email). An example of a complaint form can be found in Appendix 1. At the end of a meeting or telephone call, it would be helpful to ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record.

2.3 Monitoring the Policy

The Board of Trustees should review their Complaints Policy regularly and monitor the number and range of complaints received, how these were dealt with and any action taken. The monitoring and review of complaints can be a useful tool in evaluating the school's performance.

3.0 Complaints about the Principal

Where it is clear that a complaint is against the Principal the matter has to be referred immediately to the Chair of Trustees Board who, acting as *line manager*, will be responsible for dealing with the matter.

It is not always clear if the complaint is against the Principal given they are responsible for all operational decisions across the school even if made by other staff. In most cases complaints raise concerns around the conduct of the Principal.

4.0 Time Limits

Complaints need to be considered, and resolved, as quickly and efficiently as possible. An effective complaints procedure will have realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

The time limits are set using school working days i.e. excluding school holidays.

At each stage it is helpful to clarify exactly who will be involved, what will happen, and how long it will take. There may, on occasion, be the need for some flexibility, for example, the possibility of further meetings between the complainant and the person investigating the complaint.

5.0 Complaints Policy

Stage 1 Informal Stage – Complaint heard by staff member

It is in everyone's best interest that complaints are resolved at the earliest possible stage and as quickly as possible. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. Therefore, if staff and Governors are aware of the policy they will know what to do should they receive a complaint.

If the member of staff involved feels too compromised to deal with a complaint, the complaint could be referred to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial. Where the complaint concerns the Principal the complainant is referred to the Chair of Trustees Board.

Where the first approach is made to a trustee, the complainant should be referred to the appropriate person and advised of the policy. Trustees should not act unilaterally on an individual complaint given that they may be required to sit on a panel at a later stage of the procedure.

The Principal's influence may already have shaped the way complaints are handled in the school and resolved the complaint at this stage. If the informal process has been exhausted and no satisfactory solution has been found the complainant should be advised that their complaint could progress to Stage 2 of the policy.

Stage 2 – Formal Stage Complaint heard by Principal

If the complainant is not satisfied with the response received at the informal stage, they should request

that their concerns be referred to the Head of Academy (if they have not already dealt with the issue) who will be responsible for ensuring that it is investigated appropriately. The complainant should be invited to put the complaint in writing using the form attached at Appendix 1. The form should be sent to the Head of Academy. If the complaint is about the Head of Academy, it should be addressed for the attention of the Chair of Governors. The Chair of Governors can be contacted via the school. The Head of Academy will seek any necessary clarification of the concerns including interviewing the complainant where this would be helpful. The Principal will advise the complainant of the outcome of their consideration. Other than in exceptional circumstances the Principal should provide a response to the complainant within 15 school days of them requesting the involvement of the Principal.

Where the Head of Academy has addressed the complaint at Stage 1 the matter should progress to Stage 3 and be heard by a Committee of the Local Governing Body.. Where another staff member has addressed the complaint at Stage 1, the Principal will hear this stage.

The Head of Academy should acknowledge the written complaint upon receipt and provide an opportunity to meet the complainant to discuss the complaint. At this point the Principal may still seek to resolve the complaint informally.

The Head of Academy will investigate the complaint and a written response will normally be made within 15 school days of receipt of the complaint. If this is not possible, an extension can be agreed.

The written response will include reasons for the conclusions reached by the Head of Academy, what action, if any, the school proposes to take to resolve the matter and advise the complainant of the right to request a meeting with Governors if they remain dissatisfied with the outcome.

The complainant will have 10 school days from receipt of the outcome in which to ask for an appeal.

Stage 3 – Formal Stage - Appeal Heard by a Committee of the Local Governing Body.

The Local Governing Body of the school will only hear appeals that have already progressed through Stages 1 and 2 of this procedure.

Where a complainant has made an approach to the school through the formal stage and is not satisfied with the outcome, they may request that the local governing body reviews the process followed by the school, in handling the complaint. Any such request must be made in writing to the clerk to the local Governing Body, within 10 school days of receiving notice of the outcome, and include a statement specifying any perceived failures to follow the procedure. A review request form can be provided by school for this purpose.

Any review of the process followed by the school will be conducted by a panel of three members of the local governing body. This will usually take place within 10 school days of receipt of the request.

The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations will be considered sympathetically.

As the Chair of Governors may be involved at an earlier stage in the procedure (particularly where the complaint is about the Head of Academy / Principal) it may be wise not to include the Chair as a member of the Committee to avoid any possible challenge that the Chair was not sufficiently impartial.

Stage 4 – Formal Stage – Appeal heard by committee of the Board of Trustees

Where a complainant has made an approach to the school through the formal stages and is not satisfied with the outcome, they should write to the Secretary of the Academy Trust within 10 school days giving details of their concerns and asking for an appeal against the decision or action taken by the Head of Academy.. The Secretary will seek to arrange a meeting of the appropriate Committee of the

school's Board of Trustees within 20 school days.

This is the last stage of the complaints procedure..

The Complaints Committee

The Committee should consist of no less than three Trustees who will appoint their own Chair. The Principal would be expected to attend the appeal hearing to give evidence and explain the conclusions.

The Committee can:

- 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.

Notification of the Committee's Decision

The Chair of the Committee needs to ensure that the complainant is notified of the Committee's decision, in writing.

The Secretary of the Academy Trust will notify in writing the outcome of the appeal to the complainant and Principal within five school days of the hearing.

6.0 Further Recourse

Secretary of State for Education

The decision of the Trustees' Complaints Committee is final but under Section 496 or 497 of the Education Act 1996, complainants have a right of appeal to the Secretary of State for Education on the grounds that:

- A Board of Trustees is acting or proposing to act unreasonably; or
- The Board of Trustees has failed to discharge its duties under the Act.

The Secretary of State would not take action until the school procedures have been completed.

If a complainant has been through all the stages of the academy's complaints procedure but remains dissatisfied, they can ask the EFA to review the handling of their complaint.

Academies should direct anyone wishing to access the EFA's procedure to:

- the complaints about academies page on the Department for Education website
- write to Academies Central Unit (Academy Complaints), Education Funding Agency, Earlsdon Park, 53-55 Butts Road, Coventry, CV1 3BH
- telephone the Department's Public Communications Unit on 0370 000 2288

The EFA 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 from the appropriate stage, following a process which meets the requirements set out in the Regulations.

7.0 Vexatious Complaints

If properly followed, the complaints procedure will limit the number of complaints that become

protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Secretary of the Academy Trust hearing the complaint at Stage 3 of the process is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

There will be some complainants who are reluctant to accept the outcome of the process. In such cases the person should be encouraged to refer the matter to the Secretary of State.

The Secretary of State's powers are delegated to the School Complaints Unit (SCU). The SCU will only consider cases in which the governing body has acted unlawfully or unreasonably. It will only overturn a decision in extreme circumstances. If it decides that a school has not followed its published procedures it has the power to direct that the process is re-visited.

Telephone: 0370 000 2288

Online: www.education.gov.uk/help/contactus

Letter: DfE, School Complaints Unit, 2nd Floor, Piccadilly gate, Store Street, Manchester, M1 2WD

Should the complainant continue to make contact on the same issue the Chair of Governors has the power to inform them that the process is complete and the matter is therefore closed.

In the context of Freedom of Information requests 'vexatious' is defined as the 'manifestly unjustified, inappropriate or improper use of a formal procedure'. It is not, however, a term that the DfE employs, preferring the terms 'serial' or 'persistent' complaints.

The following criteria will be applied to decide whether it is 'manifestly unjustified, inappropriate or improper':

- All reasonable steps have been taken to address the matters
- A clear statement has been provided of the school's position
- The school is being repeatedly contacted with the same points being raised
- The school has reasonable grounds for believing that the intention is to cause inconvenience
- Communications are aggressive in tone or content. Abusive, derogatory and/or threatening comments are made

It is important to understand that in dealing with persistent complaints and vexatious requests for information that it is the request and not the individual that is so labelled. Schools should not fail to respond to a complaint on the grounds that an individual has a track record of such behavior.



Complaint Form

Your name:

Pupil's name:

Name of School:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint:

What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)?

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

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

Procedure for Hearing the Complaint

Introduction

The aim of the meeting is to resolve the complaint and achieve reconciliation between the school and the complainant.

Order of Meeting

1. The Chair welcomes the complainant and asks those present to introduce themselves.
2. The Chair explains the purpose of the meeting, the procedure, and checks that all written evidence has been made available to all parties.
3. The complainant explains their complaint, calling witnesses if appropriate.
4. The Committee and Principal may ask questions of the complainant and witnesses.
5. The Principal is then invited to present a response to the complaint, including action taken to address the complaint at stages 1 and 2 of the procedure, calling witnesses, if appropriate.
6. The Committee and complainant may ask questions of the Principal.
7. The Principal summarises the schools position, highlighting evidence, including anything that has emerged in the questioning.
8. The complainant summarises their case, highlighting evidence, including anything that has emerged in the questioning.
9. The Chair of the Committee checks that all parties feel that they have had a fair hearing and reminds every one of the confidentiality of the case.
10. The Chair of the Committee thanks both parties for attending and gives an indication of when they can expect to hear the outcome. All parties then leave the room together.
11. The Committee considers the complaint and reaches a unanimous or majority decision. Where necessary, the Committee decides what action to take to resolve the complaint and, if appropriate, recommends changes to ensure similar complaints are not made in future.
12. When a decision has been made and if agreed in advance, the Chair can inform both parties orally. In any event, both parties are informed of the outcome of the complaint in writing, within 5 school days of the hearing.

Complaints Flowchart

Concern or Complaint Received



INFORMAL PROCEDURE	
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SCHOOL ACTION	
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Informal discussion with the relevant class teacher or other relevant member of staff usually resulting in resolution to the issue.	
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If the complaint is about the Principal – proceed to Stage 2 *	
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The person is informed of the action to be taken to resolve the issue. If they are not satisfied they should be provided with a copy of the school's complaints procedure and information on how to proceed to stage 1.	
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FORMAL PROCEDURE	
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STAGE 1 - SCHOOL ACTION	
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The complaint is submitted, either verbally or in writing, to the Principal.	
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The Principal acknowledges receipt and provides a full written response within 15 school days. Information is provided to the complainant on how to progress the complaint to stage 2.	
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STAGE 2 - SCHOOL ACTION (* if about the Principal)	
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A written complaint is submitted to the Chair of Trustees Board.	
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The Chair acknowledges receipt and provides a full written response within 15 school days. Information is provided to the complainant on how to progress the complaint to stage 3.	
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STAGE 3 - SCHOOL ACTION	
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Complainant writes to the Chair or Clerk to the Governing Body requesting that the complaint be heard by the Committee within 10 school days of receiving the response.	
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Clerk arranges for Committee to meet within 20 school days from receipt of letter and informs the complainant of findings with 5 school days of hearing. Information is provided to the complainant on how to progress the complaint to the Secretary of State /EFA	
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FURTHER RECOURSE	
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Complainant writes to the Secretary of State /EFA if they feel there has been maladministration.	
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The Secretary of State may intervene if a Governing Body has acted unreasonably.	
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