



Pioneer Educational Trust
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COMPLAINT POLICY

Key document details

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Approver:	Trust Board
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COMPLAINT POLICY

Background

The Education (Independent School Standards) (England) Regulations 2010 No 1997 and the Education (Non-Maintained Special Schools) (England) Regulations 2011 No 1627 require that academies, free schools, independent schools (not state funded) and non-maintained special schools:

- Have in place a formal written procedure to deal with complaints relating to the trust/school;
- Keep a written record of all complaints and at which stage they are resolved;
- Allow for a complaint to be made and considered initially on an informal basis;
- Make the policy/procedure available to parents of pupils;
- Set out a clear time scale to the management of a complaint;
- Make provision, where a complainant is not satisfied with the response to a complaint, for a hearing before a panel of at least three people who were not directly involved in the matters detailed in the complaint;
- Ensure that at least one member of that panel is independent of the management and running of the trust/school;
- Permit the complainant to be accompanied at a panel hearing if they wish;
- Provide that the findings and recommendations of the panel are:
 - Sent by electronic mail or otherwise to the complainant and the person complained about (where relevant);
 - Are available for inspection on the school's premises by the CEO/Head of School;
- All documentation relating to individual complaints should be retained and kept confidential (except where Ofsted or the Education Secretary requests them. Ofsted inspectors will make a judgment of the complaints procedure statement that the trust/school issues and information from any upheld complaints about the trust/school from parents to Ofsted.)

Any complaint relating to a child protection matter should immediately be raised with the local authority (LA) for them to handle, whatever the status of the school.

This policy does not include dealing with any of the matters listed below, all of which are addressed in separate policies and procedures:

- Staff grievances;
- Internal disciplinary matters relating to staff or pupils;
- Curriculum complaints;
- Admissions appeals;
- SEN appeals;

- Appeals to the staff dismissal committee;
- Whistle blowing (matters of impropriety e.g. a breach of law, school procedures or ethics);
- Discrimination.

Typical matters that might be considered under this policy include:

- From parents:
 - To the tutor, key stage team or designated deputy headteacher about suspected bullying;
 - Detention and out-of-school activity arrangements;
 - Complaints about matters such as facilities, lack of supervision etc.;
- From the general public:
 - Local residents complaining about the behaviour of pupils coming to, and going from PET schools;
 - A local trader feeling that the Trust/School should be trading with her or his company;
 - Local community leaders concerned that the Trust/school is not involving itself sufficiently in particular aspects of community life.

If the complainant is still not satisfied after all the processes of the Trust's complaints procedure have been undertaken, they should be advised to escalate their complaint to the Education Funding Agency (EFA) using its on-line school complaints form.

Introduction

At PET the Trust Board is committed to ensuring that the highest standards are maintained in the Trust both in the provision of education to pupils and in every other aspect of the running of the Trust. A complaint procedure is an important part of the management of a well-run trust/school allowing parents the opportunity to voice any concerns they may have through appropriate channels, as well as members of the general public. This procedure has been adopted by the Trust Board to ensure a systematic and fair approach to the resolution of such concerns.

This procedure is designed to allow parents and carers of registered pupils at the Trust a means of making complaints which they can be confident will be addressed properly.

A complaint may result in disciplinary action by the Trust against a member of staff, which would be confidential between that member of staff and the Trust, but otherwise parents should be kept fully informed of the handling of any complaint. Any complaint will be kept confidential unless it is necessary to involve other parties and will be dealt with as quickly as possible.

In general, any written complaint should be addressed to the CEO/Head of School although it is expected that attempts will be made to resolve difficulties informally with the class teacher/form tutor/key stage team before being referred to the CEO/Head of School. The informal stage of the procedure should be exhausted before the matter is referred to the formal stage. If any substantial complaint is made to a member of staff it should be referred to her or his line manager or the CEO/Head of School, as appropriate, if it cannot be resolved immediately by the member of staff to the satisfaction of the parent.

This policy does not cover certain types of complaints, which are dealt with under separate procedures. These are:

- Curriculum complaints – addressed under the curriculum complaints procedure;

- SEN complaints – addressed under the SEN procedures;
- Complaints by staff – addressed under the Trust’s grievance procedure or other personnel policies;
- Admissions – addressed under the admissions and admissions appeals procedure;
- Whistle-blowing – (matters of impropriety e.g. a breach of law, school procedures or ethics) – addressed under the whistle blowing procedure.

A complaint may result in disciplinary action by the Trust against a member of staff and this would be confidential between that member of staff and the Trust, but otherwise complainants will be kept fully informed of the handling of any complaint. Any complaint will be kept confidential unless it is necessary to involve other parties and will be dealt with as quickly as possible.

Objectives and targets

To be effective our complaints procedure will:

- Encourage resolution of problems by informal means wherever possible;
- Be available on request;
- 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 PET schools’ senior leadership teams so that services can be improved.

APPENDIX A: PROCEDURES

At Pioneer Educational Trust schools, the CEO/Head of School has overall responsibility for the operation and management of the complaints procedure.

In general, any written complaint should be addressed to the CEO/Head of School, although it is expected that attempts will be made to resolve difficulties informally with the class teacher/form tutor/key stage team before being referred to the CEO/Head of School. The informal stage of the procedure should be exhausted before the matter is referred to the formal stage and a complaint form issued (see appendix C). If any substantial complaint is made to a member of staff by a parent it should be referred to the line manager or CEO/Head of School, as appropriate, if it cannot be resolved immediately by the member of staff to the satisfaction of the parent.

Whenever a formal complaint is received it will be investigated. At each stage, the person investigating the complaint (the complaints co-ordinator), 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.

Stages in the procedure

There are three stages in the Trust's complaints procedure. See appendix B for a flow chart. At each stage in the procedure, we will remain mindful of 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;
- 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 Trust/school policies in light of the complaint.

We encourage complainants to state what actions they feel might resolve the problem at any stage. An admission that the Trust/school could have handled the situation better is not the same as an admission of negligence.

At all times we will seek to identify areas of agreement between the parties and clarify any misunderstandings that might have occurred because this can create a positive atmosphere in which to discuss any outstanding issues.

Stage 1 – informal – complaint heard by staff member

In this stage, the class teacher/form tutor/key stage team (but not the subject of the complaint or a trustee/governor) will deal with the complaint. Most parents' concerns can be adequately resolved by discussion with the class teacher/form tutor/key stage team or with other members of staff. There may be no need for the complaint to be put in writing, which would formalise matters and may lead parents to feel less prepared to articulate concerns, perhaps because of a fear that such action may prejudice the interests of their child. The complaint should be resolved within 5 school days. However, if the complainant wishes to take the matter further, they are requested to complete the complaints form (appendix C) and return it to the school within 5 school days. The CEO/Head of School is informed and Stage 2 is implemented.

Stage 2 – formal– complaint heard by CEO/Head of School or senior staff member

If the concern is not met to the complainants' satisfaction by discussion, then:

- The complainant puts the complaint in writing using the complaints form (appendix C);
- The initial recipient of the complaint should refer the matter to the CEO/Head of School or to a designated member of the senior leadership team;
- The CEO/Head of School, or a designated member of the senior leadership team, will investigate the circumstances of the complaint and may find it appropriate to ask for written statements from staff or pupils and to call for any relevant documentation;
- If a complaint concerns the conduct of the CEO/Head of School or a trustee/governor, or where the CEO/Head of School or trustee/governor has been involved in the issue previously, then the matter will be referred to a senior member of staff or member of the Trust Board/governing body not previously involved. In some circumstances, the Trust/school reserves the right to refer the matter to an external body;
- If the complaint is against a member of staff, that member of staff has a right to be given details of the complaint and the opportunity to make representation about it. The person investigating the incident will take these details into account;
- The CEO/Head of School or designated member of staff will consider the complaint but it will be the CEO/Head of School who will decide what action is required and respond to the complainant with the outcome of the investigation, normally within 10 school working days of receipt of the substance of the complaint. The response may be in writing or at a meeting with the complainant followed by written confirmation of the outcome.

The complainant will be informed of his or her right to have the matter referred to the trustees/governors' complaints panel if the outcome of stage 2 is not considered satisfactory. The time frame in which any appeal must be lodged in writing is 5 school days. Any such request by a complainant should be addressed to the clerk to the governors and the trustees/governors' complaints panel will be convened.

Stage 3 – formal – trustees/governors' complaints panel meeting

When the clerk to the governors receives the request for the trustees/governors' complaints panel to meet:

- The complainant/parent will be informed by the clerk of the new timescale for the investigation and written report to be provided – within 14 working days. (However, the length of the investigation will depend on the nature of the complaint and other variable factors. If the investigation is likely to exceed 14 days, the Trust/school will set realistic time limits for each action within the stage. Where such further investigations are necessary, new time limits may need to be set and the complainant will be sent details of the new deadline and an explanation for the delay.);

- A trustees/governors' complaints panel will be assembled comprising three or five members, none of whom have any previous connection to the complaint, and one of whom will act as chair for the meeting. The meeting will additionally have a clerk in attendance;
- The clerk will write to the complainant, the CEO/Head of School, the Chair of Trustees/Governors and panel members giving details of the meeting, requesting copies of any documents to be put before the meeting and the names of any witnesses that either party may wish to attend;
- The clerk will inform the complainant of the right to be accompanied by a friend.

The hearing will be on reasonable notice and be held as soon as practicable after receipt of the referral. The procedure at the hearing (see appendix D) will be sensitive and appropriate for the circumstances and is at the discretion of the chair of the trustees/governors' complaints panel.

The panel 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 Trust/school's procedures to ensure that similar problems do not recur.

The panel's decision is final.

A copy of the findings and recommendations of the panel will be sent by letter (electronic mail is acceptable for academies and free schools) to the complainant and, where relevant, to the person complained about, and will be available for inspection on the relevant school premises by the CEO/Head of School.

Academies and free schools

If, despite following appropriate procedures, the complainant remains dissatisfied, or tries to reopen the same issue, the Chair of Trustees/Governors will inform them in writing that the procedure has been exhausted and that the matter is now closed, and if they wish to take the complaint further they must complete the form available at: www.education.gov.uk/schools/leadership/schoolperformance/school-complaints-form and the Education Funding Agency will deal with the complaint.

Recording complaints

The progress of any complaint and the final outcome will be recorded by the complaints co-ordinator. These findings will be made available to the complainant and, where relevant, the person complained about, and will be available for inspection by the CEO/Head of School. Initially a complaint may be made in person or by telephone and if unresolved needs to be put in writing (see appendix C). At the end of a meeting or telephone call, the member of staff will ensure that the complainant and the Trust/school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls will be kept and a copy of any written response added to the record.

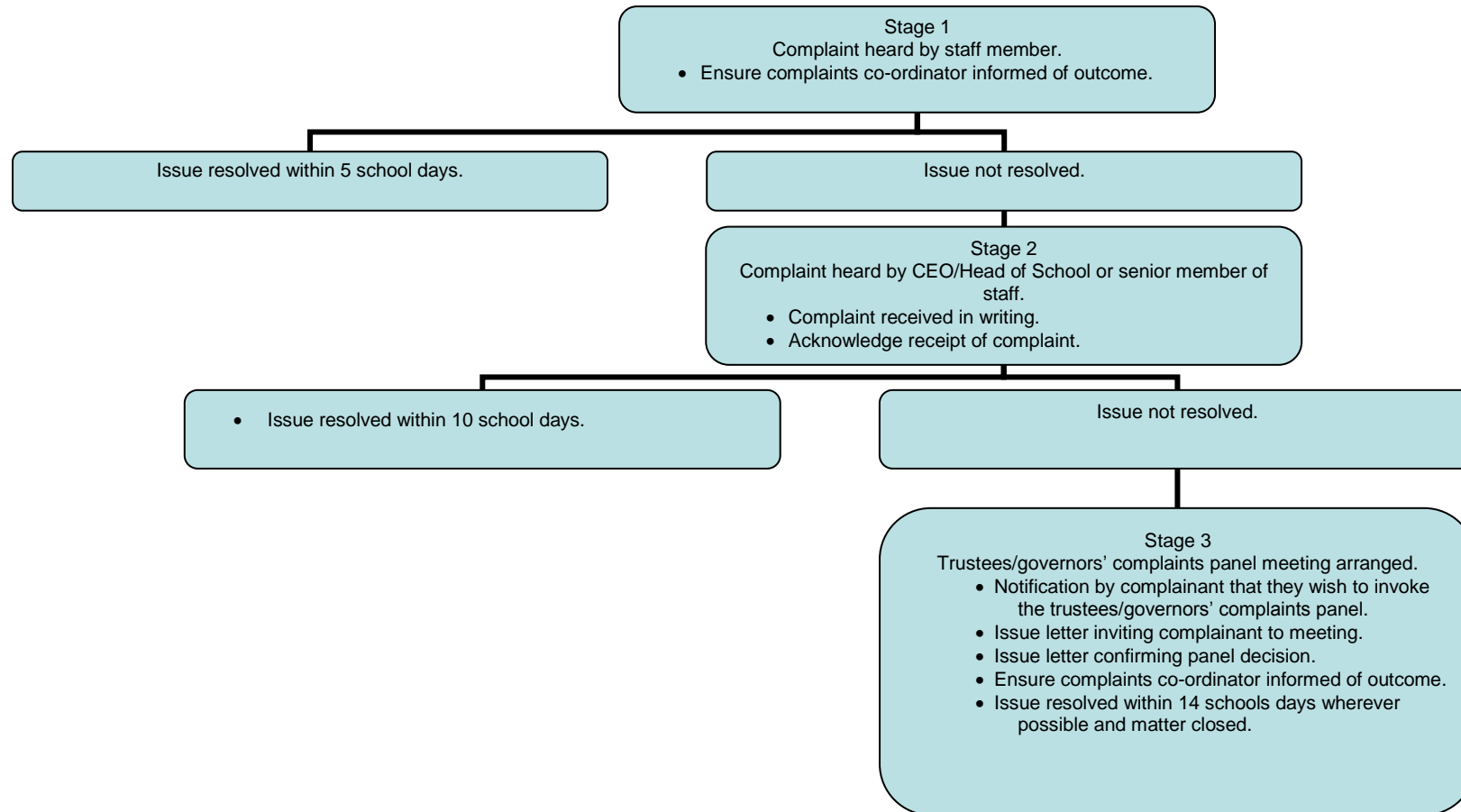
Monitoring and evaluation

The Trust Board will monitor the level and nature of complaints using the records kept by the complaints co-ordinator. Wherever possible, complaints information shared with the Trust Board/governing bodies will not name individuals. The policy will be evaluated in the light of complaints made and their resolution and changes made to the policy where necessary.

Reviewing

The Trust Board will review the outcomes of the monitoring exercise on a termly basis to ensure the effectiveness of the procedure and make changes where necessary.

APPENDIX B: FLOWCHART FOR THE COMPLAINTS PROCEDURE



If there is no resolution after stage 3, the complainant will be advised of how to take their complaint further if they so wish.

APPENDIX C: COMPLAINTS FORM

Please complete and return to (complaints co-ordinator) who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name:
Your relationship to the pupil:
Address:

Postcode:
Daytime 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?

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

Signature:
Date:
Official use
Date acknowledgement sent:
By whom:
Complaint referred to:
Date:

APPENDIX D: CHECKLIST FOR A PANEL HEARING

The trustee/governors' complaints panel needs to take the following points into account:

- The hearing is as informal as possible;
- Witnesses are only required to attend for the part of the hearing in which they give their evidence;
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses;
- The CEO/Head of School may question both the complainant and the witnesses after each has spoken;
- The CEO/Head of School is then invited to explain the Trust/school's actions and be followed by the Trust/school's witnesses;
- The complainant may question both the CEO/Head of School 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 CEO/Head of School is then invited to sum up the Trust/school's actions and response to the complaint;
- 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 time scale.

APPENDIX E: STAGE 2 LETTER TO COMPLAINANT WITH OUTCOME OF INVESTIGATION BY CEO/HEAD OF SCHOOL/SENIOR MEMBER OF STAFF

Dear

Formal Complaint

I am writing to acknowledge receipt of your recent complaint that *(insert details of complaint)*.

I have now completed my investigation into your complaint and would inform you that *(insert details of outcome of investigation)*

The following actions have now been taken:

- *(insert details of any actions taken)*

Or

I confirm that no further actions are deemed necessary.

I hope you consider that your complaint has been dealt with in a sensitive and satisfactory manner and look forward to your continued support of the school.

If you do not consider the outcome of your complaint to be satisfactory, you have the right to appeal to the governor/trustee complaints panel. Please ensure your appeal is lodged in writing and is received by the clerk to governors at *(insert school name and address)* within 5 school days.

Yours sincerely

APPENDIX F: ACKNOWLEDGEMENT OF REQUEST FOR TRUSTEE/GOVERNOR APPEAL PANEL MEETING

Dear

I write to acknowledge receipt of your letter of (*date*) notifying the school that you wish to appeal to the trustee/governor complaints appeal panel following the outcome of your recent complaint.

I will write to you again within the next 14 days.

Yours sincerely

Clerk to Governors

APPENDIX G: INVITATION TO GOVERNOR/TRUSTEE COMPLAINTS APPEAL PANEL MEETING

Dear

I write further to my letter of *(date)* regarding your appeal to the trustee/governor complaints appeal panel following the outcome of your recent complaint.

A complaints appeal panel meeting has now been arranged and will take place on *(date)* at *(time)* at *(location)*

You are appealing against the outcome of your complaint because *(reason)*.

The complaints appeal panel will consist of 3 members:

- *(Trustee/governor)*;
- *(Trustee/governor)*;
- *(Panel member independent of Trust/school)*.

You have the right to be accompanied to the meeting by a friend or relative and you may also submit further written evidence relevant to the complaint for consideration by the complaints appeal panel. Please ensure any further written evidence is received by the clerk to governors at *(school)* by *(2 working days before meeting)* together with details of who will be attending the meeting.

The complaints appeal panel 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 Trust/school's procedures to ensure that similar problems do not recur.

Documentation from the Trust/school relevant to your complaint is attached together with the Trust's complaint policy.

Yours sincerely

Chair of Governors

APPENDIX H: LETTER CONFIRMING COMPLAINTS APPEAL PANEL'S DECISION

Dear

Following the meeting of the complaints appeal panel on *(date)* I am writing to confirm their decision.

In making their decision the complaints appeal panel considered all of the information presented to them by yourself and by the school.

It is the panel's decision to:

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

The panel reached this decision because *(reason)*

Please note that the panel's decision is final. If you wish to take your complaint further you must complete the form available at: www.education.gov.uk/schools/leadership/schoolperformance/school-complaints-form and the Education Funding Agency will deal with your complaint.

Yours sincerely

Chair of Trustee/Governor Complaints Appeal Panel