



# **PIONEER ACADEMIES COMMUNITY TRUST**

## **Policies and Procedures**

### **Complaints Policy**

<b>Review/Approve</b>	<b>By Whom</b>	<b>Date</b>	<b>Review Date</b>
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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 Introduction

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.

Our 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

We have adopted a three-stage process for dealing with complaints:

- Stage 1 – Informal stage: complaint heard by member of staff
- Stage 2 – Formal stage: complaint heard by Head Teacher
- Stage 3 – Appeal: complaint heard by Complaints Panel

## **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 / Executive 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.

It is normally appropriate to communicate directly with the member of staff concerned. This may be by letter, telephone or in person by appointment, requested via the school office. Many concerns can be resolved by simple clarification or the provision of information, and it is anticipated that most complaints will be resolved at the informal stage.

In the case of serious concerns, it may be appropriate to address them directly to the head teacher (or to the chair of the governing body if the complaint is about the head teacher). If you are uncertain about who to contact, seek advice from the school office or the clerk to the governing body

The Head Teacher'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 Head Teacher / Head of Academy**

If your concern or complaint is not resolved at the informal stage, you may choose to put the complaint in writing and pass it to the head teacher, who will be responsible for ensuring it is investigated appropriately. If the complaint is about the head teacher, your complaint should be passed to the clerk to the governing body, for the attention of the chair of the governing body.

A complaint form is provided to assist you (Appendix 1)

You should include details that might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. It is very important that you include a clear statement of the actions you would like the school to take to resolve your concern. Without this, it is much more difficult to proceed.

Pass the completed form, in a sealed envelope, to the school office. The envelope should be addressed to the head teacher or clerk to the governing body, as appropriate.

The head teacher (or chair) may invite you to a meeting to clarify your concerns and explore the possibility of an informal resolution.

If you accept that invitation, you may be accompanied by a friend, if you wish, to assist you in explaining the nature of your concerns. It is possible that your complaint will be resolved through a meeting with the head teacher (or chair). If not, arrangements will be made for the matter to be fully investigated, using the appropriate procedure. In any case, you should learn in writing, usually within five days of the school receiving your formal complaint, of how the school intends to proceed. This notification should include an indication of the anticipated timescale. Any investigation will begin as soon as possible, and when it has been concluded, you will be informed, in writing, of its conclusion.

Other than in exceptional circumstances the Head Teacher should provide a response to you within 15 school days of you requesting the involvement of the Head Teacher.

You 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 Complaints Panel.**

The Complaints Panel will only hear appeals that have already progressed through Stages 1 and 2 of this procedure.

Where you have made an approach to the school through the formal stage and are not satisfied with the outcome, you 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.

This request for further assessment of the complaint will, for the purposes of this procedure, be known as an 'appeal'.

Any review of the process followed by the school will be conducted by a Complaints Panel. The complaints panel will consist of two governors from the local governing body who have not previously been involved in the complaint, and one person who is independent of the management and running of the Academy.

The appeal hearing will usually take place within 20 school days of receipt of the request, dependent on the availability of panel members.

The following are entitled to attend a hearing and/or submit written representations and address the panel:

- The complainant who may be accompanied at the panel hearing if they wish.
- The Headteacher of the Academy.

- Any other interested person whom the Complaints Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the panel in their decision-making.

After due consideration of the facts considered relevant, the Panel will reach a decision and make recommendations, within 5 working days of the hearing.

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

The decision reached by the Complaints Panel is final. There is no further right of appeal to the Local Governing Body or Trust.

### **Notification of the Panel's Decision**

The Secretary of the Academy Trust will notify in writing the outcome of the appeal to the complainant and Head Teacher.

## **6.0 Further Recourse**

### **Secretary of State for Education**

The decision of the Trustees' Complaints Panel 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 Trustee 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 Serial, unreasonable and Vexatious Complaints**

Pioneer Academies Community Trust 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 our school. 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.

Pioneer Academies Community Trust defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuses to co-operate with the complaints investigation process
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums

Complainants should try to limit their communication with the school that relates to their complaint, while the 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.

Whenever possible, the headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact [school](#) causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from school premises.

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

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 Governing Body 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](http://www.education.gov.uk/help/contactus)

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

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- 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 Head of Academy/Principal may ask questions of the complainant and witnesses.
5. The Head of Academy /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 Head of Academy /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

<b>Concern or Complaint Received</b>
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<b>INFORMAL STAGE PROCEDURE</b>
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<b>SCHOOL ACTION</b>
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<p>Informal discussion with the relevant class teacher or other relevant member of staff usually resulting in resolution to the issue.</p>	<p>The complainant 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 2.</p>
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<p><b>If the complaint is about the Head of Academy/Principal – proceed to Stage 2 *</b></p>	
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<b>FORMAL PROCEDURE</b>
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<b>STAGE 2 - SCHOOL ACTION</b>
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<p>The complaint is submitted in writing, to the Head of Academy/Principal.</p>	<p>The Head of Academy/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.</p>
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<b>STAGE 2 - SCHOOL ACTION (* if about the Principal)</b>
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<p>A written complaint is submitted to the Chair of Trustees Board.</p>	<p>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.</p>
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<b>STAGE 3 - SCHOOL ACTION</b>
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<p>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.</p>	<p>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</p>
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<b>FURTHER RECOURSE</b>
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<p>Complainant writes to the Secretary of State /EFA if they feel there has been maladministration.</p>	<p>The Secretary of State may intervene if a Governing Body has acted unreasonably.</p>
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