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COMPLAINTS POLICY AND PROCEDURE

DEFINITIONS

In this policy and procedure references to
"Headteacher" shall include Principals, Headteachers and Heads of School as appropriate for the school concerned.
"LGB" means Local Governing Body of the relevant school
"Board" means the Board of Peninsula Learning Trust

POLICY

1. Aims of this Policy

It is not intended that these guidelines should replace the normal discussion on day-to-day problems and concerns which take place in any School within Peninsula Learning Trust (The Trust) as they arise. It is only where a complainant remains dissatisfied with the outcome of such discussions that further steps may need to be taken. This policy will assist Headteachers, members, directors, governors, staff and parents to strengthen their home-School links and to reaffirm the partnership between headteachers, members, directors, governors, staff and parents as they work together for the good of the pupils in the School.

2. The benefits of a written policy are:

- Parents will have a clear understanding of the way the School receives and deals with concerns and complaints;
- staff will be able to respond in a consistent way to parents;
- in writing the policy, governors, staff and parents will be reminded that they are all working together to achieve what is best for the pupils in the School;
- pupils learn best if there is an effective partnership between the School and parents.

A School which has an effective complaints procedure reaps the benefits from the goodwill of its community, from savings in time and resources and from high staff satisfaction and morale. Feedback from the School community and others can help to improve the School, which in turn helps to develop a more confident and responsive image. The Trust's Board of Directors is responsible for the complaints policy and procedure; it must ensure that this is in place and that it is communicated clearly to parents.

3. **What is a complaint?**

From time to time parents will raise legitimate concerns about their child's education; these are dealt with as a matter of routine, without formal procedures, normally by the class teacher and are not generally regarded as 'complaints' in the formal sense. Taking concerns seriously and dealing with them quickly can reduce the number of formal complaints. Occasionally a parent's concern may become more serious and develop into a complaint and be a clear statement of dissatisfaction. This may relate to a variety of issues including:

- The way in which an initial concern was handled;
- The conduct or actions of pupils;
- The action or lack of action of members of staff;
- Inappropriate discipline;
- Lack of information.

3.1 Pupils too may wish to express a concern where they feel they have been treated unfairly. They should be encouraged to speak to an appropriate adult who should investigate the concern and seek to resolve the matter informally. Should the investigation raise serious issues, these should be dealt with through the appropriate channels.

3.2 Visitors to the School or those in the wider community may make verbal complaints or allegations or written complaints. These should be investigated as with parental complaints and the complainant responded to, while maintaining confidentiality.

3.3 If a member, director, governor, or member of staff, receives a written complaint it must be forwarded to the Headteacher, or the Chair of the school's Local Governing Body (LGB) if the complaint is about the Headteacher, or the Chief Executive Officer of the Trust (CEO) if the complaint is about the Chair of the LGB.

3.3 Matters that are not covered by this policy

The following concerns and complaints cannot be considered under this policy. There are separate policies and procedures that deal with them.

- staff capability and/or disciplinary issues
- admissions to School
- special education provision
- curriculum and religious worship (section 409 of the Education Act 1996)
- curriculum at Pupil Referral units

- pupil exclusion from School
- School reorganisation proposals
- those that are the subject of legal proceedings, or have been so
- those being considered by the Secretary of State under statutory power
- when it is more than three months since a staff member complained of left the employment of the School, except under the most exceptional circumstances.
- Complaints from members of staff will not be dealt with under this policy. Staff must use the Grievance policy instead.

If the complaint falls outside the remit of this policy the complainant will be advised of this in writing within 10 school days following receipt of the complaint with an explanation as to why. In some circumstances, it may be decided that the concern(s) fall within the remit of another policy or procedure.

4 Managing Complaints

4.1 Principles

This Policy will:

- Encourage resolution of problems by informal means wherever possible;
- Be easily accessible, well publicised and easy to understand and use;
- Allow the individual being complained against equal rights with the person making the complaint;
- Be non-adversarial;
- Ensure that a full and fair investigation takes place as appropriate;
- Allow for speedy handling of the complaint, with established time limits for each stage of the procedure;
- Respect confidentiality at all times;
- Provide clear assurances that there will never be any victimisation of pupils as the result of a parental complaint;
- Allow for meetings with complainants to be minuted, if possible, by a third party;
- Ensure all parties are kept informed of progress;
- Address all the points raised in the complaint and, where applicable, provide appropriate redress and/or information about any positive changes which have resulted from discussion of the complaint, e.g., change in policy/procedures
- Ensure consistency of action by all handling complaints;
- Ensure that formal complaints are monitored by governors to ensure that the procedure is working effectively.

4.2 Complaints against members of staff

If members of staff are complained against, they should be fully informed of the content of the complaint. Members of staff should always be given an opportunity to explain their actions and be advised that they may have a work colleague, or union representative, present during any part of the process. The member of staff should provide a written statement in response to the complaint.

4.3 Complaints about the Principal/ Headteacher

Complaints about the Headteacher should be sent to the Chair of the school's LGB. If the complaint is a formal complaint, a member of the LGB will be appointed to investigate the matter in accordance with Stage 3 of the Complaints Procedure below.

4.4 Complaints about a member of PLT Central Services

Complaints about a member of PLT Central Services will be referred to their respective line manager. The line manager will investigate the complaint initially in accordance with Stage 1 of the Complaints Procedure. Stage 2 complaints will be dealt with by the CEO and Stage 3 by a member of the Board.

5 Child protection

For any complaint that involves a potential child protection issue, local authority procedures must be followed. The appropriate officer at the LA must be contacted immediately and any investigation must wait until the LA procedure has been completed.

6 Time-limits

Complaints will be dealt with as quickly as possible. Realistic time-limits should be set for each stage of the process and these may differ according to the complexity of the issue concerned. The time-limits provided in this policy are not a statutory requirement. If the Headteacher, Chair of the LGB or CEO feels that it would be better to allocate shorter or longer periods at various stages, they are free to do so, but must inform both parties of any change and the reasons for it. Complainants are urged to raise any concerns as soon as possible.

7 Pupils as Witnesses

Only in exceptional circumstances should pupils be interviewed, i.e. where there are no adult witnesses and the matter is sufficiently serious to warrant it. This will be down to the discretion of the Headteacher, Chair of the LGB and/or CEO depending on the nature of the complaint and who is investigating. The Headteacher, Chair of the LGB and/or CEO is advised to seek parental consent before any interview with a child where they are being asked to clarify facts concerning a parental complaint. Children should be accompanied by a responsible adult where the parent has given permission for the interview but is not present. The Headteacher, Chair of the LGB and/or CEO should ensure that pupils do not participate in

any discussion where they might witness confrontation between adults or where there may be a child protection issue see point 5.

8. Complaint form

Peninsula Learning Trust has a complaint form to be used by those wishing to make a complaint. (See Appendix B) This enables each School to be more systematic in the way it handles and monitors complaints. It may also be helpful for complainants who might find it difficult to frame a letter. In some circumstances, and at the Headteacher, Chair of the LGB and/or CEO's discretion, it may be acceptable for a formal complaint to be made verbally.

9. Anonymous complaints

Anonymous complaints may come from parents, pupils or members of the public; they should be considered as they may relate to something serious. The handling of such complaints will be left to the Headteacher, Chair of the LGB or CEO to decide whether the gravity of an anonymous complaint justifies investigation. If the Headteacher, Chair of the LGB or CEO believes there could be any substance to the complaint they will investigate the matter and record the results of the investigation on file.

10. Vexatious complaints

Should a complainant try to re-open a complaint on the same issues where there has been no change of circumstances the Headteacher, Chair of the LGB, CEO or Chair of the Board of Directors will write informing them that the procedure has been exhausted and that the matter is now closed.

Where the complaints procedure has properly been followed but the complainant continues with prolific correspondence (including e-mail) or telephone contact about a concern or complaint, the Headteacher, Chair of LGB, CEO or Chair of the PLT Board will make clear to the complainant that this is not acceptable. In these circumstances the School or Trust may:

- inform the complainant in writing that his/her behaviour is now considered by the School to be unreasonable/unacceptable and, is therefore being treated as a vexatious complaint;
- inform the complainant that any meetings with a member of staff about an unrelated matter will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties;
- inform the complainant that, except in emergencies, all routine communication with the complainant to the School should be by letter only;
- (in the case of physical, or verbal aggression) take appropriate legal advice and consider warning the complainant about being banned from the School site

11. Monitoring complaints

The Trust CEO and Board of Directors will monitor complaints to ensure that the procedure is effective in dealing with concerns. Some of the areas relating to complaints which Governors may wish to monitor are:

- the number and nature of the complaints;
- whether the complaints were dealt with within agreed time limits;
- the stage at which complaints were ended satisfactorily.

Under *The Education (Independent School Standards) (England) Regulations 2010*, Schools are required to log the number of complaints lodged under their formal procedures each year and whether they are resolved at the preliminary stage, or proceed to a panel hearing.

12 Roles in Complaints procedures

12.1 Role of the Headteacher

The Headteacher is responsible for the internal organisation and management of the School and its staff and has overall responsibility for considering complaints in the first instance, or, if appropriate, arranging for a designated member of staff to deal with them.

Where the Headteacher chooses to arrange for other members of staff to consider complaints, there should be arrangements for the Headteacher to be kept fully informed of the complaint and the way in which it is being addressed.

12.2 Role of the Chair of the LGB

The Chair of the LGB will be responsible for ensuring that complaints in respect of their school are handled in accordance with this policy and procedure and specifically receiving any complaint against the Headteacher of their school.

12.3 Role of the CEO

The CEO is responsible for the overall conduct of the Trust and must ensure that a complaints policy and procedure is in place and reviewed regularly. The CEO will receive any complaint about a Governor of any school within the Trust. The CEO will also deal with a Stage 3 complaint about a member of the PLT Central team.

12.3 Role of the complaints panel

The Chair of the LGB or CEO will appoint a complaints panel when considering any formal written complaint at stage 4.

Parental complaints seldom reach the formal stage involving a panel: nonetheless, it is important that those sitting on the panel have had no prior involvement in the complaint leading up to the formal stage.

COMPLAINTS PROCEDURE – FOR PARENTS, VISITORS AND OTHERS

Introduction

Each stage in the complaints procedure should usually be completed before moving to the next stage. In very exceptional circumstances the Headteacher, usually in consultation with the CEO, may decide to omit a stage. The complaints procedure is formed of three stages:

- **Stage 1** – Informal
- **Stage 2** – Formal - written complaint to Headteacher
- **Stage 3** – Formal – written complaint to Chair of LGB or CEO/Governance officer
- **Stage 4** – Formal - complaint heard by a Complaints Panel

A summary of the complaints procedure is shown in **Appendix A.**

Stage 1: Informal

As soon as possible after the incident about which a complainant has concerns, they should ask to meet with the appropriate member of staff to discuss the matter. If it is not possible for that member of staff to deal with the issue then the Headteacher may meet with the complainant to discuss the matter instead.

There is no requirement for an **informal complaint** to be put in writing.

An informal complaint will be investigated and a response given within **5 school days**. At the end of the discussion it will be made clear to the complainant what action, if any, will be taken, the timescale within which it will take place and how they will be notified of any outcome. In exceptional circumstances, a response may be given outside the stated 5 days but in that case the reasons for the delay and an achievable response time will be advised to the complainant.

Stage 2 – Formal - Headteacher level

If the complaint cannot be resolved informally or the complainant is unhappy with the response to their informal complaint, the following procedure will apply:

1. **Within 10 school days** of being notified of the outcome of the informal complaint **-** the complainant must put their complaint in writing by completing the Complaint Form (appendix B) and sending it to the Headteacher of the school.
2. **Within 2 school days of receipt of the Complaint form -** the school will acknowledge the complaint and invite the complainant to a meeting with the Headteacher to discuss the issue.

The meeting will take place within 10 school days of the complaint form being received. If the meeting cannot take place within 10 school days for any reason, then the complainant will be advised of the reasons why, and when the meeting will in take place instead.

3. **Prior to the meeting -** the Headteacher will investigate the complaint.
4. **Within 5 school days after the meeting -** the Headteacher will confirm to the complainant in writing how the complaint has been resolved including any action the school, pupil or complainant will take as a result of the meeting. The complainant and the Headteacher can agree a longer timescale for the provision of the decision in writing if the circumstances make it necessary.

If the complaint is about the Headteacher then the complaint will be referred to the Chair of the LGB and references above to Headteacher will be taken to refer to the Chair of the LGB.

If a complaint is about the Chair of the LGB then the complaint will be referred to the CEO and references above to Headteacher will be taken to refer to the CEO.

If the complaint is about the Headteacher or the Chair of the LGB and the issue was not resolved at Stage 2 above then any further referral will be to the Governance Officer of the Trust who will proceed with it under Stage 4 of this procedure.

If the complaint is about a member of the PLT Central Team then the complaint will be referred to their line manager and references above to the Headteacher will be taken to refer to the line manager.

Stage 3 – Formal - Local Governing Body Level

If the complaint cannot be resolved at Headteacher level then the following procedure will apply:

1. **Within 10 school days of receiving the written decision from the Headteacher -** the complainant must notify the Chair of LGB in writing via the school that they are not satisfied with the decision of the Headteacher.
2. **Within 2 school days of receipt of the notification of dissatisfaction -** the Chair of the LGB will acknowledge the complaint and invite the complainant to a meeting with the Chair or another Governor if appropriate (for example where the Chair of the LGB has prior knowledge of the complaint) and Headteacher to discuss the issue. The meeting will take place within 10 school days. If the meeting cannot take place within 10 school days for any reason, then the complainant will be advised of the reasons why, and when the meeting will in take place instead.

3. **Prior to the meeting -** the Chair of the LGB (or other Governor) will investigate the complaint.
4. **Within 5 school days after the meeting -** the Chair of LGB (or other Governor) will confirm to the complainant in writing how the complaint has been resolved including any action the school, pupil or complainant will take as a result of the meeting. The complainant and the Chair of LGB (or other Governor) can agree a longer timescale for the provision of the decision in writing if the circumstances make it necessary.

3. Stage 4: Formal – Complaints panel

If the complainant is not satisfied with the decision at Stage 3 then the following will apply:

- **Within 10 school days** of receiving the response from the Stage 3 complaint the complainant must submit a written request for further review of the complaint to the CEO or Governance Officer of the Trust at INSERT EMAIL ADDRESS
- **Within 15 school days** of receipt of the notification in writing the Governance Officer of the Trust will set up a meeting of the complaints panel which the complainant will be invited to attend. **10 school days' notice** of the meeting will given to those attending the meeting who will also receive the following:
    - An invitation to attend the meeting including details of date, time, place of meeting;
    - A request for copies of any written papers which the school or complainant may wish to be considered to be supplied at least 7 school days before the meeting so that they can be distributed to members of the complaints panel and the complainant;
    - An enquiry as to whether, or not any reasonable adjustments to the procedure should be considered to support the complainant attending the meeting;
    - Confirmation that the complainant may have someone accompany them at the meeting. This person will not normally speak on behalf of the complainant at the meeting but will be there for support.
    - A summary of the procedure to be followed at the meeting.

- The procedure for the meeting is in **Appendix D**.

- The panel will consist of three people. The composition of the panel will include:
    - The Trust CEO or nominated representative;
    - A governor from the School being complained about;
    - One governor from one other Peninsula Learning Trust School, who is independent of the management and running of the school being complained about.

- **Within 10 school days after the meeting,** the decision, findings and recommendations of the complaints panel will be sent to all parties including the complainant and where relevant the person complained about.

- The decision of the panel is final.

- The findings and recommendations of the panel will be available for inspection on the school premises by the proprietor and the Headteacher.

- That correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or body conducting an inspection under section 109 of the 2008 act requests access to them.

14. Further Rights of Appeal

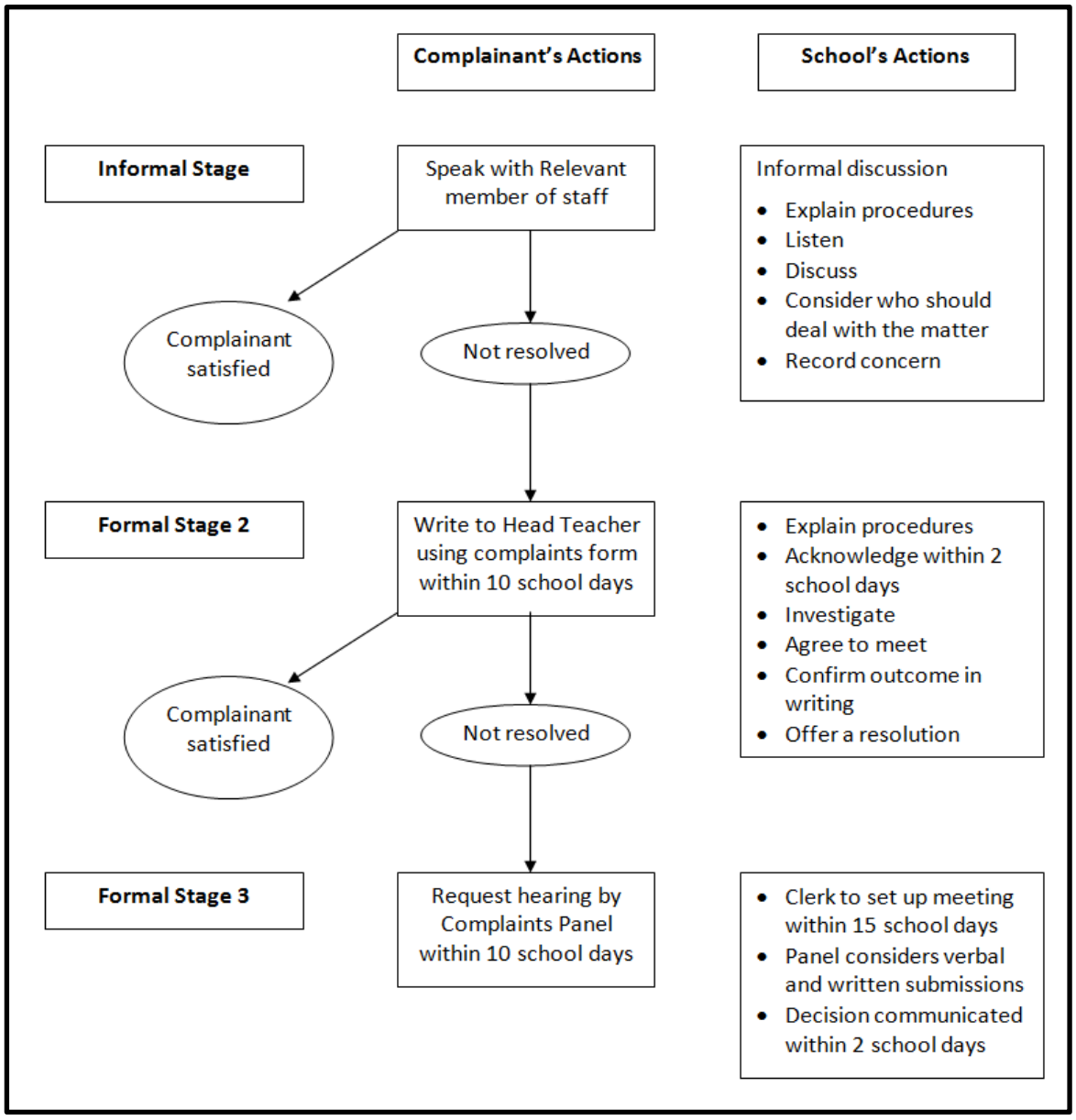
Parents may, if they believe the complaints panel has acted unreasonably, or that the Trust has not followed their own procedures in considering the complaint, make a complaint to the Department for Education using an on-line complaints form.

Parents may also complain to OFSTED, but OFSTED will not normally investigate complaints concerning individual pupils, but if there are any child protection concerns they may pass these to social services, or the police.

15. Review

This policy will be reviewed within 6 months in the first instance and then on an annual basis.

APPENDIX A SUMMARY COMPLAINTS PROCEDURE



APPENDIX B

COMPLAINTS FORM *Please tick* **Informal Stage 1** □ **Formal Stage 2** □ **Formal Stage 3** □	
[name of School]	
When we receive a written complaint, we aim to acknowledge its receipt within 2 school days	
Name of complainant:	
Address:	
Postcode:	
Telephone (day):	Telephone (evening):
What is your concern and how has it affected you or your child?	
Are you attaching any paperwork? If so, please list below:	

Have you discussed this matter with a member of staff before filling in this form? If so, who did you speak to and what was the response?
What action do you consider could be taken to improve the situation and resolve the complaint?
Signature: Date:
Please return this form to .....

APPENDIX D

OUTLINE OF THE PROCEDURE FOR A COMPLAINTS PANEL HEARING

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

The Panel members should be aware of the following:

- The School's complaints procedure;
- The appeal hearing is independent and impartial and must be seen to be so;
- No governor may sit on the panel if they have had a prior involvement in the complaint, or the circumstances surrounding it;
- Panel members should be drawn from a cross-section of the governing body;
- The hearing is held in private;
- The aim of the hearing is to resolve the complaint and achieve conciliation between the School and the complainant;
- It may not be possible to resolve matters to the complainant's satisfaction, it may only be possible to establish facts and satisfy the complaint that the matter has been taken seriously;
- Some parents may feel nervous: the panel chair will make efforts to ensure proceedings are as informal as possible.

The chair of the panel:

- Welcomes those present and introduces each person by name;
- Stresses that the meeting is strictly confidential to those present;
- Outlines the procedure to be followed;
- Ensures that key findings of fact are made and the issues addressed;
- Ensures that each party is able to state their case and ask questions without undue interruption;
- Ensures that all written material is seen by all parties;
- Conducts the hearing in an informal manner and ensures each party treats the other with respect and courtesy.

Order of hearing:

- The complainant is invited to present their case and explain their desired outcome and any possibilities of redress.
- The head teacher or other nominated member of staff representing the school may ask questions of the complainant.
- The head teacher or other nominated member of staff representing the school is invited to explain the School's actions.
- The complainant may question the head teacher.
- Both parties are invited to summarise their point of view.

After the parties have withdrawn, the Panel decides on its recommendations, including any redress. The decision and recommendations of the Complaints Panel are sent within 10 school days to all parties. The Panel's decision is final.

Party	Date
Recommended by CEO	
Recommended by ELT	
Approved by Trust Board	
Review date	

History of Changes

Version	Date	Page	Change	Origin of Change
1.0	27.09.18		Original Draft	1.0
2.0	29.03.19	10 & 11	Section 3 - Wording detailing the Panel hearing	ESFA Advice