



# COMPLAINTS POLICY

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## 1. Policy

- 1.1 This Policy applies to any matter which has been raised with an academy by parents / carers of pupils as a matter of concern but which has not been capable of resolution informally and which the complainant or the academy considers should be dealt with on a formal basis.

**NB** usually matters relating to / involving:

- admissions and exclusions;
- statutory SEN assessments; and
- child protection / safeguarding,

will not be considered as they have their own appeal or complaint processes. Where necessary the academy will exercise its discretion.

Whistleblowing and staff grievances and discipline matters will **not** be considered under this policy.

**NB** – complainants will not be informed of any disciplinary action taken against a member of staff as a result of a complaint.

- 1.2 For the avoidance of doubt, complaints from those who are not parents / carers of pupils at an academy within Peterborough Diocese Education Trust (“the Trust”) will be dealt with differently (see Section 14 below)
- 1.3 A complaint will only be considered if it is lodged within 3 months of the occurrence of the issue/circumstances giving rise to the complaint unless there are exceptional circumstances, in which case additional time may be given.

## 2. Stage 1 – Informal Resolution

- 2.1 Generally, it is expected that where the matter relates to a pupil it will have been raised with the pupil’s class teacher before a request is made to deal with it under this policy. If a matter is not resolved at the informal stage then a complainant may take it to the formal stage.
- 2.2 It is a precondition to the operation of this policy that the complainant shall have made reasonable attempts to seek an informal resolution and shall have acted in relation to the matter in a reasonable and measured way consistent with the Trust’s applicable behaviour code. The Chief Executive Officer of the Trust (CEO) shall have a discretion, which will be exercised reasonably, not to allow a complaint to be pursued where this precondition has not been met.
- 2.3 Where the matter is not resolved at the informal stage, the parent / carer may elevate it to the formal stage.

### **3. Stage 2 – Formal Resolution at Local Level : Investigation by a Nominated Individual**

- 3.1 The complainant must put the complaint in writing (unless the complainant has communication difficulties due to disability, learning difficulties or difficulties using English. In such cases the complaint may be made in person or by telephone or by a third party acting on behalf of the complainant. If a third party is acting on behalf of the complainant in these circumstances, then the complainant must give their consent before information is disclosed to the third party), addressed to the Headteacher / Head of School (as appropriate) of the academy, setting out briefly the facts and stating what it is that the complainant considers should have been done or where the academy has not met reasonable expectations.
- 3.2 An investigation will be carried out by a **nominated individual** identified by the Headteacher / Head of School (as appropriate), who may offer the complainant a meeting. The investigator will speak to others involved. Whenever reasonably possible, any meeting with the complainant will take place within **15** school days of the written complaint being received.
- 3.3 The investigator will put her / his findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within **25** school days of the written complaint being received.
- 3.4 Where the complainant remains dissatisfied she / he may request the complaint is dealt with at **Stage 3**. Any such request **must** be set out in writing, stating where the complainant remains dissatisfied and lodged within **10** schools days of the complainant receiving the findings in writing.

### **4. Complaint relating to Headteacher / Head of School / Executive Headteacher**

- 4.1 Any complaint relating to the Headteacher of the academy must be raised in the first instance with the Chair of the Local Governing Board (LGB) who will, if an informal resolution cannot be reached, designate a member of the LGB to investigate the complaint as per **Stage 3**. **Stage 2** does **not** apply to a complaint against the Headteacher.
- 4.2 Any complaint relating to the Head of School of the academy must be raised in the first instance with the Executive Headteacher who will, if an informal resolution cannot be reached, designate a member of the Local Governing Board (LGB) to investigate the complaint as per **Stage 3**. **Stage 2** does **not** apply to a complaint against the Head of School.
- 4.3 Any complaint relating to an Executive Headteacher must be raised in the first instance with the CEO to investigate the complaint as per **Stage 3**. **Stage 2** does **not** apply to a complaint against the Executive Headteacher.

## **5. Stage 3 – Formal Resolution: Local Governing Board (LGB)**

- 5.1 The complainant must put the complaint in writing, addressed to the Chair of the LGB, setting out briefly the facts and stating what it is that the complainant considers should have been done or where the academy has not met reasonable expectations.
- 5.2 The Chair of the LGB may appoint a member of the LGB of the academy to investigate the complaint. The investigation may include the offer of a meeting with the complainant. Whenever reasonably possible, any meeting with the complainant will take place within **15** school days of the written complaint being received.
- 5.3 The investigator will put her / his findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within **25** school days of the written complaint being received.
- 5.4 Where the complainant remains dissatisfied she / he may request the complaint is dealt with at **Stage 4**. Any such request must be set out in writing, stating where the complainant remains dissatisfied, what remedies are being sought and be lodged within **10** school days of the complainant receiving the findings in writing. The request must be addressed to the clerk to the LGB.

## **6. Stage 4 – Formal Resolution: Panel Hearing**

- 6.1 The complaints panel of the Trust will consider all complaints at Stage 4.
- 6.2 The complaints panel must comprise at least three people, which will include one person who is independent of the management and running of the Trust and any of its academies.
- 6.3 The complaints panel may also include one or more persons from the following categories:
  - a. A member of the LGB of the academy where the complaint emanated from;
  - b. A member of a LGB from another academy within the Trust;
  - c. A member of the Board of Directors of the Trust.
- 6.4 None of the members of the complaints panel will have been directly involved in the matters detailed in the complaint.
- 6.5 The clerk will invite the academy to put in writing its response to the complainant's reasons. The academy will provide this within **15** school days of receiving the request. At the end of that period (whether or not the academy has responded) the clerk will convene a meeting of the complaints panel. That meeting will be held on school premises, or at another appropriate and agreed

location, as quickly as practicable given the need to find a date that is reasonably convenient for the complainant, the academy and the members of the complaints panel. Whenever possible, the meeting will be held within **15** school days of the end of the academy's response time. At any meeting, the complainant will be entitled to be accompanied by a friend but legal representation will **not** be allowed.

- 6.6 The meeting is **not** a court case, it will be held in private, and will be as informal as circumstances allow. The complainant will have the opportunity to put her / his reasons for dissatisfaction and to enlarge on them but may not introduce reasons that were not previously put in writing. The academy will have the opportunity to put its side of things and each side, as well as the panel members, will be able to ask questions. The complainant will have the opportunity to make final comments to the panel.
- 6.7 The panel may make findings and recommendations and a copy of those findings and recommendations will be:
- 6.7.1 sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about; and
  - 6.7.2 available for inspection on the academy premises by the Trust, the Headteacher / Head of School and the Executive Headteacher.
- 6.8 The panel will formulate its response as quickly as reasonably possible, aiming to do so within **10** school days, and the clerk will notify all concerned.

## 7. **Attendance at a Complaints Panel Hearing**

The complaints panel will proceed *irrespective of whether or not* the complainant and / or their representative attend. If the complainant fails to attend on the day without compelling reasons, the complaints panel will *still proceed in their absence and the process will continue to its conclusion*. Any further attempt to reopen the matter will be considered as falling under the serial / persistent complaint section as below.

## 8. **Serial or persistent complainants**

If at any level a complainant attempts to reopen an issue or a closely related issue that has already been dealt with under this complaints procedure, the Chair of the Board of Directors may write to the complainant to inform him / her that the procedure has been exhausted and the matter closed, that continued correspondence on the same matter is vexatious and that the Trust will not respond to any further correspondence on this issue or a closely related issue.

**9. Complaint against a member of a Local Governing Board (LGB) / Chair of a LGB / member of the Board of Directors / Chair of the Board of Directors**

Where a complaint is brought against a member of the LGB, the Chair of the LGB will investigate the complaint (or appoint another member of the LGB to do so) in the same way as in the first stage of the formal process at **Stage 3**. **Stage 2** does **not** apply.

If the complaint is against the Chair of the LGB, then the Vice Chair of the LGB will investigate the complaint (or appoint another member of the LGB to do so) in the same way as in the first stage of the formal process at **Stage 3**. **Stage 2** does **not** apply.

If the complaint is against a member of the Board of Directors, then the Chair of the Board, (or in the case of a complaint against the Chair, the Vice Chair) will investigate the complaint (or appoint another member of the Board to do so) in the same way as in the first stage of the formal process at **Stage 3**. **Stage 2** does **not** apply.

In exceptional circumstances the Chair of the Board may at his or her absolute discretion determine that a complaint against a Headteacher, Executive Headteacher, or member of the LGB should be dealt with at Board level and if so determined the Chair of the Board will oversee **Stage 3**

**10. Record Keeping**

Notes / recordings etc.

Brief notes of meetings and telephone calls will be taken and a copy of any written response will be kept. These will be kept securely.

Copies of any minutes taken at Stage 4 will be issued to complainants.

A written record will be kept of all complaints that were resolved at the formal stage of the complaints procedure. Records will contain details of whether the complaint was resolved at stage 2, stage 3 or whether it proceeded to a stage 4 panel hearing. The action taken by the academy or the Trust as a result of a complaint (regardless of whether they are upheld) will also be recorded.

Recording of conversations or meetings is not permitted unless it is required for the purposes of a reasonable adjustment. In the case of the latter, all parties would need to agree in advance to the recording.

**11. Confidentiality**

Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an

inspection under section 109 of the Education and Skills Act 2008 requests access to them.

## **12. Education and Skills Funding Agency (ESFA)**

Once the complaints process is concluded (or a complaint has been terminated due to undue delay or failure to lodge a stage 3 request within the time stated in the policy) the matter is closed. If the complainant is still not satisfied then they may contact the ESFA. There is an online procedure at:

<https://form.education.gov.uk> or you may write to the Ministerial and Public Communications Division, Department for Education, Piccadilly Gate, Store Street, Manchester, M1 2WD

## **13. Complaints Relating to Fulfilment of the EYFS Requirements**

In order to comply with the statutory framework, written concerns or complaints relating to the fulfilment of the EYFS Requirements will be dealt with in accordance with the following process:

- The written concern / complaint will be acknowledged within 5 days;
- The Headteacher / Head of School will investigate the concern or complaint which may include meeting with the complainant and the Head of Early Years. A written response notifying the complainant of the outcome of the investigation will be sent within 28 days of the complaint being received.
- Where the complainant remains dissatisfied, the Headteacher / Head of School will ensure that a formal complaints panel will be convened in accordance with Stage 4 of this policy.

A record of the written complaints and their outcome will be maintained and made available to Ofsted on request.

Parents / carers are further advised that where you have concerns regarding the School meeting EYFS requirements you may contact Ofsted on 0300 123 4666.

## **14. Complaints that are not from current parents / carers at an academy within PDET**

Complainants should first attempt to address their complaint to the academy or the Trust (as appropriate) informally. Only if this fails to resolve the situation should the complaint be submitted in writing to the Headteacher, Chair of the LGB or CEO, as appropriate. If the complaint is about the Headteacher specifically, the complaint should be submitted to the Chair of the LGB. The Headteacher, Chair of the LGB or CEO will acknowledge receipt of the complaint before considering it and issuing a final written response.