



# Complaints Policy

## Policies approved by the Board of Trustees

Signed: 

Name: Barry Wratten

Date: 1<sup>st</sup> September 2020

Chair of Board of Trustees

## Authorised for Issue

Signed: 

Name: Neville Coles

Date: 1<sup>st</sup> September 2020

Chief Executive Officer

## History of Policy Changes

Date	Version	Change	Origin of Change e.g. TU request, change in legislation	Changed by
May 2017	1	Creation of policy	Based on DfE sample policy	Sarah Gibbon
May 2018	2	Sections 6.4 and 6.7, inclusion of timescale	Policy Review	Sarah Gibbon
March 2019	3	Section 6.6 update	ESFA advice	Sarah Gibbon
May 2019	3	No changes required		Kath Powell
May 2020	4	Identified the statutory requirements. The practices and procedures will be shown as an addendum owned by the School Councils. School replaced by School. Footnote and all reference to the Priory Learning Trust changed to The Priory Learning Trust. the PLT changed to TPLT.		Sarah Gibbon and Gail Webb
July 2020		Additions to policy.	Change to DfE guidance.	Gail Webb

This policy applies to The Priory Learning Trust and all its academies.

Date policy adopted	September 2019
Review cycle	Annual
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Review date	May 2021

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## 1. Introduction

The Priory Learning Trust (TPLT) is required to have a Complaints Policy and Procedure meeting certain requirements by the Education (Independent School Standards) (English) Regulations 2014, and to make the procedure available to parents and carers of students and prospective students.

TPLT is committed to developing a strong sense of partnership with parents and carers and other members of the local community. This provides a good basis for understanding and resolution when things appear to go wrong.

The policy and procedures are in place to ensure that parents, carers, and others are able to express their concerns in an open and honest way in accordance with a published procedure.

TPLT will accept complaints within 12 months of the issue. If a complaint is received after 12 months a decision will be made as to whether exceptional circumstances allow the complaint to be progressed.

The complaints procedure is designed to:

- encourage resolution of problems by informal means wherever possible
- be easily accessible and well-publicised
- be simple to understand and use
- be impartial
- be non-adversarial
- allow swift handling, with established time limits for action, and keep people informed of progress
- ensure a full and fair investigation and 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 school's leadership team so that services can be improved.

## 2. Investigating Complaints

At each stage, the person investigating the complaint will make 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.

Information on the processes can be found in Appendix 1.

## 3. Confidentiality

All conversations and correspondence will be treated with discretion. Where the complaint is raised by a parent, they need to feel confident that their complaint will not penalise their child. From the outset, all parties to a complaint will need to be aware that some information may have to be shared with others involved in the operation of the complaint's procedure. It is at the discretion of the

Principal as to whether anonymous complaints warrant an investigation. It is usual to disregard anonymous complaints unless somebody is prepared and able to substantiate them.

All correspondence, statements and records relating to individual complaints are to be kept confidential except where access is requested by the Secretary of State or where disclosure is required in the course of a school inspection or under other legal authority.

#### **4. Record Keeping**

Complaints will be recorded in writing and monitored termly by members of the school's Leadership Team. Recording will begin at the point when a broad concern has become a specific issue that cannot be resolved instantly, but needs investigation. Recording at the earliest stages need only be a basic record with the date, name and nature of the complaint. The record will detail whether the complaints were resolved at the preliminary stage to whether they had to proceed to the formal stages of the procedure. TPLT will keep a written record of all complaints and at which stage they were resolved. These records will be shared with the complainant and only be kept for six years.

Records will be kept confidential, unless access is requested by the Secretary of State, in the course of a school inspection or under any other legal authority.

If the student moves schools, the educational records will be transferred but records of complaint should be retained by the school for 6 years.

#### **5. Response Standards**

We believe that most complaints can be resolved satisfactorily by informal discussion either over the telephone or through a meeting involving the key people involved. Complaints raised orally as a concern will not necessarily be acknowledged or responded to in writing unless this is requested during the conversation.

We will acknowledge complaints within five school working days and give a full response of complainants within 10 school working days. School working days for the purposes of this policy are Monday to Friday when the school is open to students during normal term time. If the complaint is judged to involve complex issues, complainants will be informed within 10 school working days when they can expect a full response. Complainants will be kept informed of progress if a lengthy investigation is involved. The main aim throughout the process is to resolve the matter as quickly and effectively as possible, to everybody's satisfaction. Complaints received either during the normal school holidays or within 10 school working days of the start of a school holiday will be dealt with as soon as practicable. If further investigations are necessary, deadlines may be revised within a reasonable time scale.

The complaints procedure follows a number of stages:

**INFORMAL** – an opportunity to resolve the complaint with the school on an information basis, for example through discussion with a member of staff

**FORMAL** – a formal complaint stage when the complaint is made in writing and usually responded to be the Chair of the Academy Council

**APPEAL** – a hearing with a panel set up by the school, comprising of at least three people not directly involved in the matters detailed in the complaint, one of whom will be independent of the management and running of the School or the Trust.

## 6. Persistent or Vexatious Complaints

There will be some occasions when complainants are reluctant to accept the outcome of the process.

Should the complainant continue to make contact on the same issue, the Board of Trustees 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'. TPLT prefers the term 'serial or 'persistent' complaints. TPLT may apply the following criteria in determining whether the situation may be defined as 'serial' or 'persistent':

- all reasonable steps have been taken to address 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

TPLT may seek legal advice if they think that persistent contact by a complainant constitutes harassment.

## 7. Conclusion

By The Priory Learning Trust having a clear, published procedure, the Board of Trustees hope that this will help resolve problems and confirm good working relationships between all people involved with the Academies.

Review of policy

The working of this policy will be annually examining the policy statement and checking for continuing relevance against any changed statutory requirements.

## Appendix 1 Operational processes

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## 8. Guidelines for Each Stage

### 8.1 Preliminary Stage 1 – Dealing with concerns and complaints informally

The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved immediately through the class teacher, Head of Faculty / Key Stage, Head of Year, Vice Principal or Principal, depending on whom the parents first approached.

Individuals must feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing. On occasion it may be appropriate for someone to act on behalf of a parent.

At first it may be unclear whether an individual is asking a question or expressing an opinion rather than making a complaint. An individual may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further.

Any matter raised orally as a concern will not necessarily be acknowledged in writing, however if requested a complainant will be provided with a written response.

Complaints relating to Child Protection/Safeguarding matters will be recorded on a separate log. Such matters will be passed on to the Designated Safeguarding Lead and handled through the Safeguarding policy and procedures.

### 8.2 Stage 1 Procedure

Individuals have an opportunity for discussion of their concern with the appropriate member of staff who clarifies with the individual the nature of the concern, and reassures them that the school wants to hear about it and resolve it. It can be helpful to identify at this point the nature of the outcome the individual is seeking.

If the first member of staff to be contacted regarding a concern is unable to deal with it, they should make a note of the date, the name, contact number and address of the concerned person and refer them on to the appropriate person. They should check later to make sure the matter has been pursued.

The staff member dealing with the concern will make sure that the individual knows what action (if any), or monitoring of the situation, has been undertaken.



If the concern relates to the Principal, the individual should be advised to contact the clerk to the Academy Council who will refer it to the Chair of the Local Academy Council who will share the concern with the Head of School Improvement (HoSI) who will decide on the next course of action.

If the concern relates to the CEO, the individual should be advised to contact the clerk to the Trust Board who will refer it to the Chair of the Trust Board who will decide on the next course of action.

If the concern relates to the Academy Council or governor, the individual should be advised to contact the clerk to the Trust Board who will refer it to the Chair of the Trust Board who will decide on the next course of action.

If the concern relates to the Multi Academy Trust or Trustee the individual should be advised to contact the clerk to the Trust Board who will refer it to the Members who will decide on the next course of action.

### **8.3 Stage 2 – Referral to the Principal for Investigation**

At this stage it has become clear that the concern is a definite complaint. One of the reasons for having graduated stages in the procedure is to reassure complainants that their grievance is being taken to the appropriate level of management. The Principal may designate another suitable member of staff to carry out this procedure.

### **8.4 Stage 2 Procedure**

Complainants wishing to pursue a formal complaint at Stage 2 should be asked to put their complaint in writing using the Complaints Form (Annex B) within 10 school days. The Principal or their representative will acknowledge the complaint orally or in writing within 3 School working days of its receipt. An opportunity will be given for the complainant to meet the Principal or their representative to provide any supplementary information. The complainant may be accompanied at the meeting by a person of his or her own choice who is independent of the complaint.

All complaints will be logged. Principal or their representative will interview any witnesses or others who can provide relevant information and take statements from those involved. If the complaint centers on a student, the student may also be interviewed, normally with the parents present. If a member of staff is complained against, the need to support that person should be borne in mind.

The Principal or their representative will keep written records of meetings, telephone conversations and other documentation.

In some cases, a complaint may lead to disciplinary action against an individual, for which there are separate procedures. If this is the case, the complainant will be informed that the complaint will be pursued through disciplinary action. Under TPLT's disciplinary procedures, the outcome of these procedures is confidential.

Once the facts have been established, the Principal or their representative will write a response

or may meet the complainant to discuss/resolve the matter directly. The complainant will be advised that should they wish to take the complaint further they should write to the Chair of the Academy Council within two calendar weeks of receiving the outcome letter.

If the complaint is against the Principal, Stage 2 will be carried out by the Chair of the Academy Council.

If the complaint is against the Academy Council or governor then the complaint is made to the clerk of Academy Council who will refer it to the Chair of the Academy Council who will share the concern with the HoSI who will decide on the next course of action.

### **8.5 Stage 3 – Review by the Academy Council**

Complaints should normally, only rarely reach this formal level, where the complainant is not satisfied by the Principal's response. It may be appropriate that the Academy Council considers this now to be a complaint against the school, rather than against the member of staff/student whose alleged actions led to the original complaint.

### **8.6 Stage 3 Procedure**

The Chair of the Academy Council will acknowledge the complaint in writing and will set up a hearing of the Academy Council panel within 15 school working days of receiving the complaint. The panel will consist of at least three Governors who were not directly involved in the matters detailed in the complaint. The letter from the Chair of the Academy Council will also explain to the complainant that they may submit any further relevant documents in advance of the hearing.

All parties will be given five school working days' notice of a hearing. The complainant may be accompanied to the hearing by a person of their choice who is independent of the complaint but not a legal representative.

If not the subject of the complaint, the /Principal or representative may be invited to attend the hearing to offer advice and information. Involvement of other staff is subject to the discretion of the Chair of the Academy Council.

The aim of the hearing will be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that it may only be possible to establish facts and make a determination. The hearing proceedings will be as informal as possible.

The hearing will allow for:

- the complainant to explain their concern and for the school representative to explain the school's response
- the complainant and the Principal to question each other and for members of the hearing panel also to ask questions
- Any party to have the right to call witnesses (subject to the approval of the Chair of the panel) and all parties having the right to question all the witnesses
- Final statements by both the complainant and the Principal

Following the hearing the panel considering the complaint will send their written decision by electronic mail or otherwise to both parties within five school working days. The decision will

detail the panel's findings, any actions that the school will need to undertake as a result of the complaint and will make recommendations in regards to the complaint. The panel's findings, actions and recommendations will be sent to the complainant and, where relevant, the person complained about. The written decision will be made available for inspection on the School's premises by the Board of Trustees, the HoSI and the Principal.

If the complaint is against the Principal, the HoSI will take the role of the School Council.

If the complaint is against the Chief Executive Officer, the Board of Trustees will divide into two panels, one acting to cover Stage 3 and the other to cover Stage 4 of the Process (if required).

If the complaint is against the Multi Academy Trust or Trustee, the Members will divide into two panels, one acting to cover Stage 3 and the other to cover Stage 4 of the Process (if required).

### **8.7 Stage 4 – Review by the Board of Trustees**

If the complaint is not resolved at the end of Stage 3 then the complainant may seek to address a panel of the Board of Trustees with their complaint within 10 school days.

The decision of the Board of Trustees will be final from an internal perspective.

### **8.8 Independent Person**

If deemed necessary by the Board of Trustees, the HoSI or the Principal, an independent person may be asked to consider the complaint alongside the Board of Trustees. This may be a person such as a Governor from another local School, or a representative from the Local Authority, and they will be independent of the running of TPLT or any of its schools.

### **8.9 Stage 5 – Referral to the Department of Education and The Education and Skills Funding Agency (ESFA)**

Unfortunately, and very rarely, complaints can be taken to the Secretary of State on the grounds that a Trust is acting or proposing to act unreasonably or on the grounds that either has failed to discharge its duties under the Education Acts.

The Education and Skills Funding Agency (ESFA) is not required to intervene in every case that is brought to their attention but must always consider whether, in light of the information provided they should exercise its powers.

If a complaint is forwarded to the ESFA they will check whether the complaint has been dealt with properly by the School. They will consider complaints about schools that fall into any of the following three areas:

- where there is undue delay or the school did not comply with its own complaints procedure when considering a complaint.
- where the school is in breach of its funding agreement with the Secretary of State
- where a school has failed to comply with any other legal obligation

The ESFA will not overturn a school's decision about a complaint. However, if they find the School did not deal with a complaint properly, they will request that the complaint is looked at again and further procedures taken to meet the requirements set out in the Regulations.

If this complaints procedure does not meet the Regulations, the ESFA will ask for it to be put right. This decision may be enforced under the terms of the funding agreement on behalf of the Secretary of State, if appropriate.

### **Specific Issues**

This procedure does not apply to concerns and complaints relating to the following, which are dealt with under separate policies: SEN, Admissions, Exclusions, Child Protection, exclusion from school, Whistleblowing, staff grievances, withdrawals from the curriculum and Staff Discipline. Complaints about the delivery of the National Curriculum or the Provision of collective worship are dealt with under Section 409 of the Education Act 1996.

### **Policy Review**

The working of this policy will be reviewed annually checking for continuing relevance against any changed statutory requirements.

## **ANNEX A THE ROLE OF THE EDUCATION AND SKILLS FUNDING AGENCY**

- The primary responsibility for resolving complaints rests with the governing body. (1998 Education Act, Part II, Chapter 3. Para. 39[1]) The Education and Skills Funding Agency role in School complaints is to provide advice to all parties.
- When The Education and Skills Funding Agency receives a general complaint, which does not come under one of the areas covered by statutory requirements, nor is obviously concerned with child abuse or staff disciplinary matters the complainant will be referred to the school's complaints procedure. The complainant will be advised to contact Principal to take the matter further. If the complaint has already involved the Principal but has not achieved a satisfactory resolution from the perspective of the complainant, the Education and Skills Funding Agency officer may seek to resolve issues between the Principal and the complainant. If this is not possible or successful the complainant will be referred to the Chair of the School Council. In this situation the Principal will be notified of the referral and details of the complaint.
- Education and Skills Funding Agency staff will give advice to the Principal, governors and parents on the use of complaints procedures. For serious or complex complaints this will be through a Senior Education Officer.
- Where possible the Education and Skills Funding Agency will provide advice and appropriate support to complaints panels of governing bodies, including attendance of an officer at meetings to hear complaints.

## ANNEX B Formal Complaint Form

Please complete and return to the Headteacher/Principal who will acknowledge receipt and explain what action will be taken.

Your Name:	Student's Name:
Your Relationship to Student	Student's DOB and Form:
Address and Postcode:	Daytime Telephone Number:
	Evening Telephone Number:
Full details of complaint (including the names of all persons involved and the dates of incidents referred to):	

What action, if any, have you already taken to try and resolve your complaint (for example, 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:**

***For Official Use:***

*Date Acknowledgement Sent:*

*Name of Person Complaint Referred To:*

*Signature:*

*Date:*

## **ANNEX C Late Complaints**

Where a complaint is submitted more than three months and within 12 months after the incident or event (or where the complaint relates to a series of incidents or events, more than three months from the date of the latest incident or event), the School reserves the right to refuse to investigate the complaint under this Complaints Policy **if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.**

Where the School decides that a complaint which was submitted late will not be investigated, the School will write to the Complainant notifying them of the decision within **five School working days** of the complaint being received.

If the Complainant is unhappy with the decision not to investigate a complaint, which was submitted late, the Complainant may write to the Chair of the School Council at the School asking for the decision to be reviewed. The Chair of the School Council will be provided with all documentation relating to the complaint, together with the letter from the School to the Complainant, and will review the decision not to investigate the complaint. The Chair of the School Council will **not** investigate the complaint itself during this review.

The Chair of the School Council will write to the Complainant with the outcome of the review within **10 School working days** of the date that the letter from the Complainant seeking the review was received, and provide the School with a copy of the letter.

If the Chair of the School Council quashes the decision not to investigate the complaint, it will be referred to the School to be dealt with under this Complaints Policy in the usual way.

If the Chair of the School Council upholds the decision not to investigate the complaint, the Complainant may refer the concern or complaint to the Education and Skills Funding Agency using the procedure stated towards the end of this Complaints Policy.

In exceptional circumstances, the Chair of the School Council can delegate the responsibility for the review to the Vice-Chair of the School Council.