

COMPLAINTS POLICY AND PROCEDURE [V1]

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 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 governors, staff and parents to strengthen their home-School links and to reaffirm the partnership between 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 may make verbal complaints or allegations. These should be investigated as with parental complaints and the complainant responded to, while maintaining confidentiality. If a governor, or member of staff, receives a written complaint these must be forwarded to the Headteacher or the CEO if the complaint is about the Headteacher.

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 the incident complained of is raised for the first time, unless it forms part of an existing concern or complaint under investigation
- 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 we decide we are unable to consider your complaint, we will write to you within three weeks following the receipt of your complaint and explain why. In some circumstances, we may decide that your concern(s) should be considered using 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 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 Head Teacher

Complaints about the Head Teacher should be sent to the Trust CEO. IF the complaint is a formal complaint, a member of the Trust Board of Directors or Local Governing Body will be appointed to investigate the matter.

5 Child protection

For any complaint that involves a potential child protection issue local authority procedures must be followed and 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 should 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 these guidelines are only for guidance, they are not a statutory requirement. If the Headteacher or CEO feels that it would be better to allocate shorter or longer periods at various stages, it is free to decide to do so, but must inform the complainant of any change and the reasons for it. However, it should be noted that parental satisfaction is sometimes proportionate to the time taken; an acknowledgement of the complaint should not take longer than two calendar working days. Parents should be urged to raise any concerns as soon as possible.

7 Pupils as Witnesses

Only in exceptional circumstances would 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 and/or CEO. The Headteacher 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 and/or CEO should ensure that pupils do not participate in any discussion where they might witness confrontation between adults. 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 parents 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 parents who might find it difficult to frame a letter. In some circumstances, and at the Headteacher and/or CEO's discretion, it would be deemed acceptable for a formal complaint to be made verbally, for example, if the complainant spoke English as a second language.

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 should be left to the Headteacher or CEO discretion to decide whether the gravity of an anonymous complaint justifies investigation. If the Headteacher or CEO believes there could be any substance to the complaint they should investigate the matter and record the results of the investigation on file. This will provide evidence that the School took the matter seriously.

10. Vexatious complaints

Should a complainant try to re-open a complaint on the same issues the CEO or Chair of the Board of Directors should write informing them that the procedure has been exhausted and that the matter is now closed.

Where matters escalate despite the complaints procedure being followed and there is prolific correspondence, or excessive e-mail, or telephone contact about a concern or complaint, the School needs to make clear to the complainant that this is not acceptable. In these circumstances

the School 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 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 School's 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 CEO

The CEO is responsible for the overall conduct of the Trust and must ensure that a complaints procedure is in place and reviewed regularly.

12.3 Role of the complaints panel

The CEO will appoint a complaints panel when considering any formal written complaint at stage 3.

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.

13. Stages in a Complaints Procedure

Introduction

It is normal for each stage in the complaints procedure to 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 (or complaints officer).
- **Stage 3** - Formal – complaint heard by a Complaints Panel

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

13.1 Stage 1: Informal

Most parents' concerns can be resolved informally by the class teacher, or other designated member of staff by:

- (a) Responding to the parent courteously;

- (b) Handling the complaint seriously;
- (c) Taking action quickly.

It is essential to give time to complainants and to be patient, so that they feel they have been heard properly. It is important that parents are reassured that there are established procedures and, if appropriate, that their case will be impartially investigated. Sometimes parents might wish to complain but do not do so because they fear that this would be held against them or their child. Parents need to be reassured, both in the School's written policy and by individual members of staff that this will not happen.

When a parent is making an **informal complaint** there is usually no need to ask for the complaint to be put in writing. To insist on this could result in a genuine complaint not being resolved due to fear or lack of confidence on the part of the parent.

In the case of an oral complaint to the Headteacher, an assurance should be given that the matter will be investigated and a response given within a certain time, normally 5 calendar working days. At the end of the discussion it should be clear to the complainant what action, if any, will be taken, the timescale within which it will take place and how s/he will be notified of any outcome. Every effort should be made to resolve the matter to the satisfaction of the parent. If a response cannot be given within the 5 calendar working days, the complainant must be told.

13.2 Stage 2: Formal

If the complaint cannot be resolved informally or the parent is unhappy with the response to their informal complaint, the parent should be advised to put their complaint in writing to the head teacher or CEO (if the complaint is against the Headteacher). If a written complaint is received by the head teacher or CEO, the following procedure should be followed:

- The complaint is acknowledged within two calendar working days.
- The complainant will be invited to attend a meeting with the Headteacher or CEO (if the complaint is against the Headteacher) to discuss the complaint. The Headteacher or CEO



will inform the complainant that the matter will be investigated and by whom; (Appendix E, Letter 1)

- Where person nominated to investigate the complaint will obtain written statements where necessary
- A response will be given to the complainant within a certain time, normally five calendar working days. However, this may be extended dependent on the complexity of the complaint. Should there be an extension the complainant will be informed.

After completing the investigation, a written summary of the findings must be sent to the complainant saying that the investigation has been completed. (Appendix E, Letter 2)

13.3 Stage 3: Formal

For stage 3 to be entered into, the complainant must submit their complaint in writing to the Clerk to the Trust Board of Directors. This must be done within three months of the response from stage 2. The Clerk to the Trust Board should set up the meeting within 15 calendar working days giving at least ten calendar working days' notice of the meeting to the members of the complaints panel and the complainant, sending them the following:

- An invitation to attend the meeting including details of date, time, place of meeting; (see Appendix E, Letter 3)
- A request for copies of any written papers which the parties to the complaint may wish to be considered) so that they can be distributed to members of the complaints panel and the other party;
- An enquiry as to whether, or not any reasonable adjustments should be considered to support the complainant attending the meeting;
- A summary of the procedure to be followed at the meeting.

The procedure for the meeting is in **Appendix D**. The decision and recommendations of the complaints panel are sent as soon as possible to all parties. (Appendix E, Letter 4) The Panel's decision is final.

The panel will consist of four people. The composition of the panel will include:



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- The Trust CEO or nominated representative;
- A governor from the School being complained about;
- Two governors from other Peninsula Learning Trust Schools.

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.

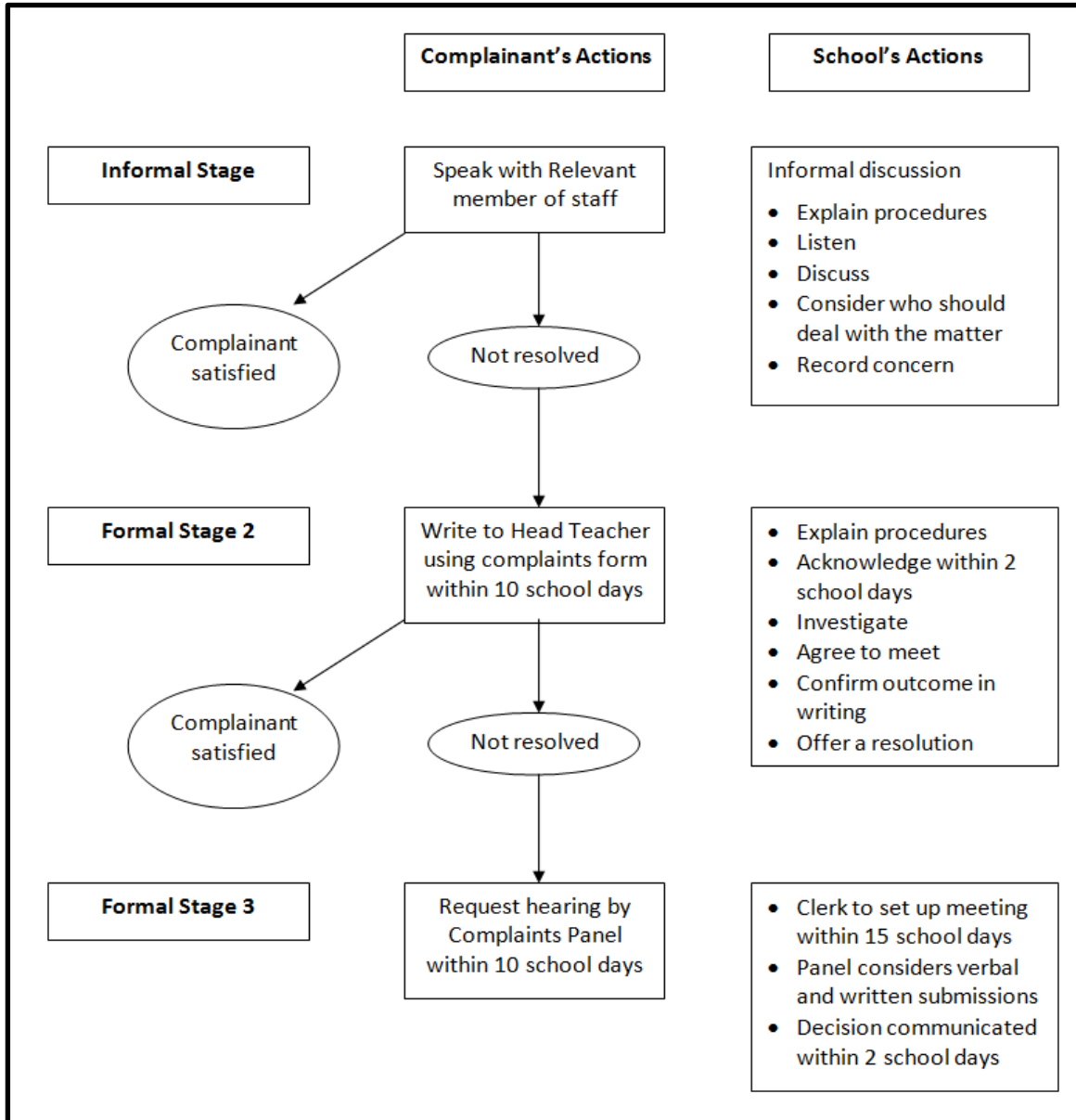
Parents may also complain to OFSTED, but OFSTED will not normally investigate complaints concerning individual pupils, but if there are any child protection concerns they may pass these to social services, or the police.

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 calendar working days and send a full or interim response within 5 calendar working days.

Name of complainant:

Address:

Postcode:

Telephone (day):

Telephone (evening):

What is your concern and how has it affected you?



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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 would you like to happen as a result of making this complaint?

Signature:

Date:

Please return this form to



APPENDIX C

PROCEDURAL ADVICE - CONDUCTING INTERVIEWS WITH COMPLAINANTS

-In conducting interviews with complainants, Headteacher (or complaints officer, if appropriate) should:

(a) Have regard to confidentiality at all times. The need to treat conversations and correspondence as confidential is of paramount importance; from the outset all parties to a complaint should be made aware of the need for confidentiality.

(b) Listen attentively and sympathetically to complainants, allowing them to explain their concern/s in their own way. After they have finished, it may be necessary to try to identify the issue(s) by asking questions and summarising what has been said. It is helpful to ascertain the complainant's desired outcome and possibilities (if any) for redress. The Headteacher may wish to ensure that the meeting is minuted by a third party, so that there is a clear record of the meeting.

- At the end of the interview decide if it is possible to:

(a) Make an immediate response to the concern/s; or

(b) Delay a response. It is often necessary to say to complainants that their concerns will be carefully considered and when all the facts and circumstances have been ascertained, they will receive a response normally within five School days.

- Avoid passing judgement or coming to conclusions before having spoken to any third parties and having considered all the aspects of the complaint.

- If the complaint is against a third party, ensure that they have an opportunity to explain the situation as they see it, but not usually in the presence of the complainant unless this is deemed desirable by all concerned.

- Examine the general context and constraints of the situation and consider if there are any precedents.



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- When all the facts and circumstances relating to the matter have been ascertained make careful notes summarising your investigation. You should then decide how to respond to the complainant.
- The complainant should be clearly informed of the School's response to the complaint/s and of the next stage in the procedure, should s/he wish to proceed further.



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;
- Asks all attending the Panel, to remain available for approximately 30 minutes after they withdraw from the hearing, in case the Panel needs to clarify a point;
- Ensures that key findings of fact are made and the issues addressed;



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- 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 may ask questions of the complainant.
- The head teacher is invited to explain the School's actions.
- The complainant may question the head teacher.
- Both parties are invited to sum up.

After the complainant, the Headteacher (or complaints officer if appropriate) have withdrawn, the Panel decides on its recommendations, including any redress. The decision and recommendations of the Complaints Panel are sent within two calendar working days to all parties. The Panel's decision is final.



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APPENDIX E

MODEL LETTERS

LETTER 1

ACKNOWLEDGEMENT LETTER (SENT WITHIN 2 SCHOOL DAYS)

Dear

Thank you for your letter of DATE. The School's policy is to deal with parental concerns as quickly as possible.

I would like to invite you to attend a meeting with myself on (DATE) at (TIME) to discuss your complaint and to allow me to outline what process the School will follow to address your complaint.

Please be assured that the School takes all complaints very seriously and I thank you for bringing this matter to my attention.

Thank you for bringing this matter to my attention.

Yours sincerely

Headteacher



LETTER 2

NOTIFICATION OF DECISION REGARDING PARENTAL COMPLAINT

CONFIDENTIAL

Dear

Further to your letter of (DATE) and our subsequent meeting, I have given careful consideration to your concerns and considered all the available relevant evidence.

We agreed at our meeting that your concerns related to the following:

(Outline the complaint)

Following my investigation I have concluded that

Include as appropriate:

There is insufficient evidence to reach a conclusion and I cannot therefore uphold your complaint. If you are able to provide additional evidence, I will reconsider this decision.

Or

Your complaint is not substantiated by the evidence in that.....(include reasons for this conclusion).

Or

Your complaint was substantiated in part/full (include reasons for this conclusion). The School will review its practices/procedures in relation to with the intention of avoiding any recurrence. Parents will be informed in due course of the policy changes.

Or

In order to address fully the matters investigated, the School has initiated appropriate internal procedures. Due to the nature of these procedures, their outcome must remain strictly confidential. I am confident however that the circumstance which gave rise to your complaint should not recur.



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I hope that you now feel that your concerns have been addressed by the School and that we can work together in the future to ensure that no other issues reach this level of concern. However, should you feel dissatisfied with this response you may proceed to the next stage of the complaints procedure (*outline the process for this*). Should you wish to pursue this as I have outlined please write to..... by (DATE).

Yours sincerely

Headteacher (or complaints officer, if complaint is against the head teacher)



LETTER 3

NOTIFICATION OF FORMAL HEARING OF THE COMPLAINTS PANEL

CONFIDENTIAL

Dear

Thank you for your letter of (DATE) indicating your wish to make a formal complaint to the Governors' Complaints Panel. I have been instructed to convene a meeting of the Panel in order to hear your complaint. The Panel will consist of four members who have had no prior involvement in the complaint.

I write to invite you to a meeting of the Complaints Panel which will be held at (time) on(date) at (location). You are welcome to be accompanied by a friend and/or, if necessary, an interpreter. I would be grateful if you could confirm whether you intend to attend the meeting and bring a friend, and whether we should be aware of any issues regarding access for the disabled.

I enclose copies of the paperwork relating to your complaint. If there is any additional written information in support of your complaint, please send this to me by (DATE) (5 days before the meeting) so that I may circulate this to the Panel and the headteacher. Please note that the Panel will be discussing the issues raised in the attached papers and any further information you submit by the deadline. It will not be possible for you to raise any new issues at the meeting.

I enclose an explanatory sheet summarising the procedure at the meeting. The Panel will consider carefully both your views and those of the School and will make every effort to find a mutually acceptable solution to the situation which has led to your complaint.

Yours sincerely

Clerk to the Governors



LETTER 4

OUTCOME OF HEARING OF THE COMPLAINTS PANEL

CONFIDENTIAL

Dear

Thank you for meeting with me and my fellow governors on the Complaints Panel on (DATE) to discuss your complaint. I am grateful to you for the time and effort you put into presenting your complaint.

I am writing to let you know (or confirm, if outcome announced at end of hearing) the outcome of our consideration of your complaint.

Include here a brief summary of the nature of the complaint and the conclusions reached by the Panel, including particulars of any evidence that was pertinent to reaching a conclusion. It is important that due weight is given to both the complainant's evidence and that of the School. Outcomes will vary, see letter two for possible options).

I and my fellow Panel members hope that you will feel your complaint has been fairly heard and that all the issues you raised have been investigated appropriately. The Governors Panel is the last stage in the School's complaints procedure and the Governors consider that this matter is now closed. *(The wording of this final paragraph will largely depend on the outcome and the wording may need to change appropriately).*

Yours sincerely

Chair of Complaints Panel

Cc Headteacher

Chair of Governors



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Party	Date
Ratified by CEO	24.2.17
Staff	21.2.17
Review date	31.8.17