

**PETERBOROUGH KEYS**  
ACADEMIES TRUST

# **COMPLAINTS POLICY AND PROCEDURE**

**Version 3.0**

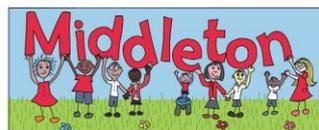
**July 2022**

**Trustee Committee: Trust Board**

**Reviewed by CEO, Head of Governance and Chair of Trustees: June 2022**

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## **1. PKAT Complaints Policy**

- 1.1 This Policy and the procedures for its implementation aims to clarify the way in which concerns and complaints are managed. It aims to do so in a way which is clear and concise. The Policy also seeks to promote a consistent and transparent approach to dealing with concerns and complaints.

## **2. Introduction**

- 2.1 Academies are required to have complaints procedures meeting certain requirements by the Education (Independent School Standards England) Regulations 2014 Part 7 and to make the procedure available to parents of pupils and parents of prospective pupils. This Policy is informed by the Independent Academy Standards Regulations 2014 and Best Practice Guidance for Academies Complaints Procedures (March 2021) published by the Department of Education.
- 2.2 The Trust (PKAT) accepts that the actions of those individuals who work in the school will and should be open to comment, question and, on occasions, criticism. PKAT takes complaints seriously and strives to deal with concerns and complaints swiftly and thoroughly. In a spirit of accountability PKAT will attempt to resolve general school concerns and complaints through the most appropriate process and, where necessary, this may involve formal procedures.

## **3. Who Can Make a Complaint?**

- 3.1 This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to PKAT about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

## **4. The Difference Between a Concern and a Complaint**

- 4.1 A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.
- 4.2 A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.
- 4.3 It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the

complaints procedure. PKAT takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

- 4.4 If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.
- 4.5 We understand, however, that there are occasions when people would like to raise their concerns formally. In this case, PKAT will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

## **5. How to Raise a Concern or Make a Complaint**

- 5.1 A concern or complaint can initially be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.
- 5.2 Concerns should be raised with either the class teacher, Head of House, Curriculum Area Leader (Secondary) or class teacher, the Subject Lead, Phase Leaders (Primary) or appropriate member of the Senior Leadership Team. If the issue remains unresolved, the next step is to make a formal complaint. At this stage the complaint must be made in writing (preferably using the Complaint Form at Appendix A), unless the complainant has a legitimate reason to request a reasonable adjustment be made to amend this.
- 5.3 Complainants should not approach individual governors or Trustees to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 or Stage 3 of the procedure.
- 5.4 Complaints against school staff (except the headteacher) should be made in the first instance, to the headteacher via the school office. Please mark them as Private and Confidential.
- 5.5 Complaints about any individual governor should be addressed to the Clerk to the Academy Committee via the school office. Please mark them as Private and Confidential.
- 5.6 Where the complaint refers to the Chair of the Academy Committee, the Chief Executive Officer, a member of the Executive Leadership of the Trust, Headteachers, a Trustee, or a Member, this Policy will apply and the Chair of Trustees assumes responsibility. For complaints to be addressed to the Chair of Trustees contact the Head of Governance/Clerk to the Board of Trustees via e-mail [estephens-dunn@pkat.co.uk](mailto:estephens-dunn@pkat.co.uk) or via post to The Head of Governance /Clerk to the Board of Trustees, Jack Hunt School, Bradwell Road, Peterborough, PE3 9PY. Please mark them as Private and Confidential.

- 5.7 For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you ([www.citapeterborough.org.uk](http://www.citapeterborough.org.uk)).
- 5.8 In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.
- 5.9 PKAT will not tolerate abusive language or behaviour at any time, and reserves the right to postpone the process should it feel that the welfare of staff, pupils and / or governors is at significant risk.
- 5.10 PKAT has a separate Unreasonable Complaints and Unreasonable Behaviour Policy.

## **6. Anonymous Complaints**

- 6.1 Anonymous complaints will not be investigated, save in exceptional circumstances, as we are unable to respond to the complainant. Such exceptional circumstances would include serious concerns such as child protection issues, where the trust is either required to involve appropriate external agencies or might conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.
- 6.2 Whistleblowing complaints, e.g. a criminal offence, fraud, someone's health and safety is in danger, risk or actual damage to the environment, a miscarriage of justice, the trust is breaking the law, someone is covering up wrongdoing, will be investigated under the trust's Whistleblowing Policy.

## **7. Complaints Received Outside of Term-Time**

- 7.1 We will consider complaints made outside of term time to have been received on the first school day after the holiday period, unless they are of an exceptional nature such as those noted in 6.1 above.

## **8. Scope of this Complaints Procedure**

- 8.1 This procedure covers all complaints about any provision of community facilities or services by PKAT, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to Contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs</li> <li>• School re-organisation proposals</li> </ul>	<p>Concerns about admissions, statutory assessments of Special Educational Needs or school re-organisation proposals should be raised with Peterborough Local Authority.</p>
<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the Local Authority Designated Officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).</p> <p>LADO 01733 864083 <a href="mailto:LADO@peterborough.gov.uk">LADO@peterborough.gov.uk</a></p> <p>MASH 01733 864180 (Mon – Fri 9am to 5pm)</p> <p>Out of Hours Emergency Duty Team (EDT): 01733 234724</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school*</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a></p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure</i></p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure.</p> <p>You may also be able to complaint direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> <li>• Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p>

	Complainants will not be informed of any disciplinary action taken against a member of staff as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
<ul style="list-style-type: none"> <li>Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
<ul style="list-style-type: none"> <li>Withdrawal from the curriculum</li> </ul>	<p>Parents and carers can withdraw their child from any aspect of Religious Education (RE), including the Daily Act of Collective Worship (DACW). They do not have to explain why.</p> <p>If parents or carers are not satisfied with the handling of a request to withdraw their child from RE or the DACW, this complaints procedure may be used.</p> <p>The right of withdrawal does not apply to other areas of the curriculum where religious matters may be spontaneously raised by pupils or arise in other subjects such as history or citizenship.</p>
<ul style="list-style-type: none"> <li>National Curriculum - content</li> </ul>	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>

8.2 If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

8.3 If a complainant commences legal action against PKAT in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

## 9. Resolving Complaints

9.1 At each stage in the procedure, PKAT wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. It may sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- (a) an explanation
- (b) an admission that the situation could have been handled differently or better
- (c) an assurance that we will try to ensure the event complained of will not recur

- (d) an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- (e) an undertaking to review school policies in light of the complaint
- (f) an apology.

9.2 Complainants will be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

## **10. Reporting and Recording**

10.1 A written record will be kept of all complaints made along with details of whether they were resolved following a formal procedure, or progression to a Governor or Trustee Hearing. The school will record the action it takes as a result of complaints (regardless of whether they are upheld). Correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under Section 109 of the 2008 Act requests access to them.

## **11. Withdrawal of a Complaint**

11.1 If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

## **12. Complaint Process**

12.1 PKAT has an informal process, followed if necessary, by a three-stage formal process for dealing with concerns and complaints. Further details of each stage together with timescales, roles and responsibilities of staff involved are within this document.

12.2 The three stages are:

- (a) Informal – concern heard by a member of staff
- (b) Stage 1 – complaint heard by the Headteacher (complaint which is put in writing)
- (c) Stage 2 – complaint heard by the Academy Committee’s Complaints Appeal Committee
- (d) Stage 3 – complaint heard by the Trustee Complaints Appeal Committee

### **13. Informal**

13.1 A concern can be raised in person, in writing or by telephone. It may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent so to do. Concerns should be raised with the appropriate member of staff, most likely the class teacher, Head of House, Curriculum Area Leader (secondary), class teacher, Subject Leaders, Phase Leader (Primary) or member of the senior leadership team. PKAT works to informally resolve a concern at the earliest possible opportunity by way of a discussion(s) with the appropriate member of staff. The school should aim to resolve the concern within 5 school days of receiving it. Where this is not possible, the investigating member of staff will inform the parties of the action being taken, and when it is expected to resolve it.

### **14. Stage 1**

14.1 If the Complainant thinks that their concern has not been resolved then the next step is to make a formal complaint. Formal complaints should be submitted in writing within 10 school days of the final informal discussion, and within three months of the incident (or, where a series of associated incidents have occurred, within three months of the last of these incidents). We will consider complaints made outside of this time frame if exceptional circumstances apply.

14.2 Formal complaints must be made to the Headteacher (unless they are about the headteacher), via the school office. This may be done in person, in writing (preferably on the Complaint Form), or by telephone.

14.3 The Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within two school days.

14.4 Within this response, the Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Headteacher can consider whether a face to face meeting is the most appropriate way of doing this.

14.5 The Headteacher may delegate the investigation to another member of the school's Senior Leadership Team but not the decision to be taken. During the investigation, the Headteacher (or investigator) will:

- (a) if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- (b) keep a written record of any meetings/interviews in relation to their investigation.

14.6 At the conclusion of their investigation, the Headteacher will provide a formal written response within ten school days of the date of receipt of the complaint.

14.7 If the Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

- 14.8 The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions PKAT will take to resolve the complaint.
- 14.9 The Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.
- 14.10 Complaints made about a member of the Academy Committee must be made to the Clerk of the Academy Committee, via the school office. The Chair of the Academy Committee will assume responsibility.
- 14.11 Complaints made about the Headteacher, CEO, members of the Trust Executive, the whole Academy Committee, the Chair of the Academy Committee or an individual Trustee must be made to the Head of Governance / Clerk Trustees, via email or by post. The Chair of Trustees will assume responsibility.
- 14.12 Where a complaint concerns the whole Trust Board or the Chair of Trustees, the Head of Governance will arrange an appropriate investigation.

## **15. Stage 2**

- 15.1 If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with members of the Academy Committee's Complaints Appeal Committee, which will be formed of the first two, impartial, governors available. No Governor may sit on the Panel if they have prior involvement in the complaint or the circumstances surrounding it. The third member of the Committee will be independent of the management or running of the school. This may be a governor from an Academy Committee at a different school within PKAT, who has no conflict of interest or prior knowledge of the complaint.
- 15.2 A request to escalate to Stage 2 must be made to the Clerk, via the school office, within ten school days of receipt of the Stage 1 response.
- 15.3 The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within two school days.
- 15.4 Requests received outside of this time frame will only be considered if exceptional circumstances apply.
- 15.5 The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within twenty school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

- 15.6 If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.
- 15.7 The Academy Committee's Complaints Appeal Committee will consist of at least two governors with no prior involvement or knowledge of the complaint, and a panel member who is independent of the management or running of the school. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Appeal Committee. If there are fewer than three governors from the school available, the Clerk will source any additional, independent governors through another PKAT school, another local school or through the LA's Governor Services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.
- 15.8 The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.
- 15.9 If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.
- 15.10 Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them. Representatives from the media are not permitted to attend.
- 15.11 At least seven school days before the meeting, the Clerk will:
- (a) confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
  - (b) request copies of any further written material to be submitted to the committee at least five school days before the meeting.
- 15.12 Any written material will be circulated to all parties at least five school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
- 15.13 The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage I of the procedure.
- 15.14 The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it.

- 15.15 Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.
- 15.16 The committee will consider the complaint and all the evidence presented. The committee can:
- (a) uphold the complaint in whole or in part
  - (b) dismiss the complaint in whole or in part.
- 15.17 If the complaint is upheld in whole or in part, the committee will:
- (a) decide on the appropriate action to be taken to resolve the complaint
  - (b) where appropriate, recommend changes to the school's systems or procedures to
  - (c) prevent similar issues in the future.
- 15.18 The Chair of the Committee will provide the complainant and PKAT with a full explanation of their decision and the reason(s) for it, in writing, within five school days of the hearing.
- 15.19 The findings and recommendations of the Academy Committee's Complaints Appeal Committee will be available for inspection on the school premises by the proprietor and the Headteacher.
- 15.20 If the complaint at Stage 1 is made about the Headteacher, CEO, members of the Trust Executive, the whole Academy Committee, the Chair of the Academy Committee or an individual Trustee, the Head of Governance / Clerk Trustees, assumes the role of Clerk for the Trustee Complaints Appeal Committee at Stage 2 and this will be the final stage of the complaints procedure.

## **16. Stage 3**

- 16.1 If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a meeting with members of the Trustee Complaints Appeal Committee, which will be formed of the first two, impartial, Trustees available. No Trustee may sit on the Panel if they have prior involvement in the complaint or the circumstances surrounding it. The third member of the Committee will be independent of the management or running of the Trust. This is the final stage of the complaints procedure.
- 16.2 A request to escalate to Stage 3 must be made to the Head of Governance /Clerk to the Board of Trustees via e-mail [estephens-dunn@pkat.co.uk](mailto:estephens-dunn@pkat.co.uk) or via post to The Head of Governance /Clerk to the Board of Trustees, Jack Hunt School, Bradwell Road, Peterborough, PE3 9PY, within ten school days of receipt of the Stage 2 response.
- 16.3 The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within two school days.
- 16.4 Requests received outside of this time frame will only be considered if exceptional circumstances apply.

- 16.5 The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within twenty school days of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.
- 16.6 If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.
- 16.7 Prior to the meeting, the members of the panel will decide amongst themselves who will act as the Chair of the Trustees Complaints Appeal Committee. If there are fewer than two Trustees from the Trust available, the Clerk will source any additional, independent Trustees through another local Trust, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 3.
- 16.8 The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.
- 16.9 If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.
- 16.10 Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them. Representatives from the media are not permitted to attend.
- 16.11 At least seven school days before the meeting, the Clerk will:
- (a) confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible;
  - (b) request copies of any further written material to be submitted to the committee at least five school days before the meeting.
- 16.12 Any written material will be circulated to all parties at least five school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
- 16.13 The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.
- 16.14 The meeting will be held in private. Electronic recordings of meetings or conversations are

- 16.15 not normally permitted unless a complainant's own disability or special needs require it.
- 16.16 Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.
- 16.17 The committee will consider the complaint and all the evidence presented. The committee can:
- (a) uphold the complaint in whole or in part
  - (b) dismiss the complaint in whole or in part.
- 16.18 If the complaint is upheld in whole or in part, the committee will:
- (a) decide on the appropriate action to be taken to resolve the complaint
  - (b) where appropriate, recommend changes to the school's systems or procedures to
  - (c) prevent similar issues in the future.
- 16.19 The Chair of the Committee will provide the complainant and PKAT with a full explanation of their decision and the reason(s) for it, in writing, within five school days of the hearing. The letter to the complainant will include details of how to contact the Department for Education and the Education and Skills Funding Agency if they are dissatisfied with the way their complaint has been handled by PKAT.
- 16.20 The findings and recommendations of the Trustee Complaints Appeal Committee will be available for inspection on the school premises by the proprietor and the Headteacher.

## **17. Next Steps**

- 17.1 If the complainant believes the school / trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed Stage 3. The ESFA will only consider a complaint which has not been through the Trust's own Complaints Procedure if a child is at risk of harm or missing education.
- 17.2 The ESFA cannot:
- overturn the panel's decision
  - re-investigate the original complaint
  - review the accuracy of minutes taken or documents provided
  - order that compensation is paid
  - direct the school to discipline / exclude pupils
  - force the school to discipline / dismiss staff
  - instruct the school to apologise.

Its role is to make sure the complaint is handled properly by following a published procedure that complies with part 7 of the [Education \(Independent School Standards\) Regulations 2014](#).

17.3 The ESFA will only consider a complaint if the complainant can provide evidence that the school or trust:

- does not have a complaints procedure
- did not provide a copy of its complaints procedure when requested
- does not have a procedure that complies with statutory regulations
- has not followed its published complaints procedure
- has not allowed its complaints procedure to be completed

17.4 The ESFA will intervene when a school or trust has:

- breached a clause in its funding agreement
- failed to act in accordance with its duties under education law
- acted (or is proposing to act) unreasonably when exercising related education functions.

17.5 The complainant can refer their complaint to the ESFA in the following ways:

online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus)

by telephone on: 0370 000 2288

or by writing to:

Academy Complaints and Customer Insight Unit

Education and Skills Funding Agency

Cheylesmore House

5 Quinton Road

Coventry

CV1 2WT

## **18. Roles and Responsibilities - Complainant**

18.1 The complainant will receive a more effective response to the complaint if they:

- (a) explain the complaint in full as early as possible
- (b) co-operate with the school in seeking a solution to the complaint
- (c) respond promptly to requests for information or meetings or in agreeing the details of the complaint
- (d) ask for assistance as needed
- (e) treat all those involved in the complaint with respect
- (f) refrain from publicising the details of their complaint on social media and respect confidentiality.

## **19. Roles and Responsibilities - Investigator**

19.1 The investigator's role is to establish the facts relevant to the complaint by:

- (a) providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - (i) sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - (ii) interviewing staff and children/young people and other people relevant to the complaint
  - (iii) consideration of records and other relevant information
  - (iv) analysing information
- (b) liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

**19.2** The investigator should:

- (a) conduct interviews with an open mind and be prepared to persist in the questioning
- (b) keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- (c) ensure that any papers produced during the investigation are kept securely pending any appeal
- (d) be mindful of the timescales to respond
- (e) prepare a comprehensive report for the Headteacher or Complaints Appeal Committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

**20. Roles and Responsibilities - Complaints Co-ordinator**

**20.1** The complaints co-ordinator (this could be the headteacher or another staff member) should:

- (a) ensure that the complainant is fully updated at each stage of the procedure
- (b) liaise with staff members, Headteacher, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure
- (c) be aware of issues regarding:
  - (i) sharing third party information
  - (ii) additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- (d) keep records.

**21. Roles and Responsibilities - Clerk to the Academy Committee and Clerk to the Trustees**

**21.1** The Clerk is the contact point for the complainant and the committee and should:

- (a) ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- (b) set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- (c) collate any written material relevant to the complaint (for example panel hearing paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within the agreed timescale
- (d) record the proceedings in writing
- (e) circulate the minutes of the meeting
- (f) notify all parties of the committee's decision.

## **22. Complaints Appeal Committee Chair (Academy Committee and Trustee)**

22.1 The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- (a) Both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting.
- (b) The meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy.
- (c) Complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person.
- (d) The remit of the committee is explained to the complainant.
- (e) Written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.
- (f) If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting.
- (g) Both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself.
- (h) The issues are addressed and key findings of fact are made.
- (i) The committee is open-minded and acts independently. No member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure.
- (j) The meeting is minuted.
- (k) They liaise with the Clerk (and complaints co-ordinator, if the school has one).

## 23. Complaints Appeal Committee Member (Academy Committee and Trustee)

### 23.1 Committee members should be aware that:

- (a) The meeting must be independent and impartial, and should be seen to be so.
- (b) No governor or Trustee may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- (c) The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant.
- (d) We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- (e) Many complainants will feel nervous and inhibited in a formal setting.
- (f) Parents/carers often feel emotional when discussing an issue that affects their child.
- (g) Extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting. Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated. The committee should respect the views of the child/young person and give them equal consideration to those of adults.
- (h) If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend. However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.
- (i) The welfare of the child/young person is paramount.

## 24. Version History

### 24.1 Table of Versions

VERSION	ACTION	RESPONSIBLE	DATE
1.0	DfE model policy sourced	Pamela KILBEY	13/09/2019
1.1	DfE model Policy modified for PKAT	Pamela KILBEY	15/09/2019

1.2	Policy update following discussions with Leadership Group	Pamela KILBEY	16/09/2019
1.3	Policy update following discussions with Leadership Group	Pamela KILBEY	16/09/2019
1.4	Policy update following discussions with Leadership Group	Pamela KILBEY	16/09/2019
1.5	Policy update following discussions with Leadership Group and PKAT formatting	Pamela KILBEY	17/09/2019
1.5	Policy agreed by Trust Board	Trust Board	15/10/2019
2.0	Policy update to include Trustees in the 3 Formal Stages	Trust Board	13/07/2020
3.0	Policy updated to reflect new governance structure and staff roles, to incorporate unreasonable complaints procedure and to be fully in line with the latest DfE guidance.	Head of Governance	04/07/2022

## 25. Appendix A: Unreasonable or Serial Complaints

- 25.1 Where a complainant raises an issue that has already been dealt with via the trust's complaints policy and procedure, and that procedure has been exhausted, the complaint will not be reinvestigated except in exceptional circumstances, for example where new evidence has come to light.
- 25.2 PKAT schools are committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unreasonable behaviour under any circumstances and we will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.
- 25.3 PKAT defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with a school, hinder the school's consideration of their or other people's complaints and/or the operating efficiency of the school'.
- 25.4 A complaint may be regarded as unreasonable when the person making the complaint:
- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought in raising the complaint, despite offers of assistance;
  - in the case of a complaint about a member of staff or student refuses to identify themselves or give sufficient detail about the problem;
  - refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
  - refuses to accept that certain issues are not within the scope of the Trust's complaints procedure;
  - insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
  - introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but frivolous questions, and insists they are fully answered, often immediately and to their own timescales;
  - makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
  - changes the basis of the complaint as the investigation proceeds;
  - repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
  - refuses to accept the findings of the investigation into the complaint where the Trust's complaints procedure has been fully and properly implemented and completed including referral to the Department for Education;
  - seeks an unrealistic outcome; and/or
  - makes excessive demands on school time by frequent, and lengthy contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

- 25.5 A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically in the following ways: -
- maliciously;
  - aggressively;
  - using threats, intimidation or violence;
  - using abusive, offensive or discriminatory language;
  - knowing it to be false;
  - using falsified information; and/or
  - publishing unacceptable information in a variety of media such as on social media websites and newspapers.

- 25.6 Complainants should if possible limit their contact with a school while a complaint is being progressed. This is to ensure that staff resources are utilised in the best way in order to resolve the complaint promptly and not delay the outcome being reached in a reasonable timeframe.

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

- 25.7 If the behaviour continues the Headteacher, or at their instruction, a member of the Senior Leadership Team, will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who make excessive contact with a PKAT school causing a significant level of disruption, we may specify certain methods of communication and limit the number of contacts in a communication plan. This may include, but is not limited to:
- a single point of contact in school;
  - limited contact, at the school's discretion, which could be one telephone call a week;
  - conversations may be minuted, at the discretion of the school.

This approach will be reviewed after 6 months and if there has not been a tangible improvement, will be continued until such time as contact reduces to a reasonable level.

- 25.8 The decision to stop responding to a specific complaint will never be taken lightly. Before our trust or schools stop responding to a complainant who submits unreasonable complaints, we will need to be able to answer yes to the following questions:
- Have we taken every reasonable step to address the complainant's concerns?
  - Has the complainant been given a clear statement of our position and their options?
  - Does the complainant contact us repeatedly, making substantially the same points each time?

We will also consider the following points:

- Are the individual's letters, emails, or telephone calls often or always abusive or aggressive?
- Does the individual make insulting personal comments about or threats towards staff?
- Do we believe that the individual is contacting us with the intention of causing disruption or inconvenience?

The individual will be informed in writing should the Headteacher determine that the school / trust should stop responding. In response to any serious incident of aggression or violence, the

concerns and actions taken will be put in writing immediately and the police informed. This may include barring an individual from the trust or school premises.

**26. Appendix B: Complaint Form**

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

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b>
<b>Postcode:</b>
<b>Day time telephone number:</b>
<b>Evening telephone number:</b>
<b>Please give details of your complaint, including whether you have spoken to anybody at the school about it.</b>
<b>What actions do you feel might resolve the problem at this stage?</b>

Are you attaching any paperwork? If so, please give details.

**Signature:**

**Date:**

**Official use**

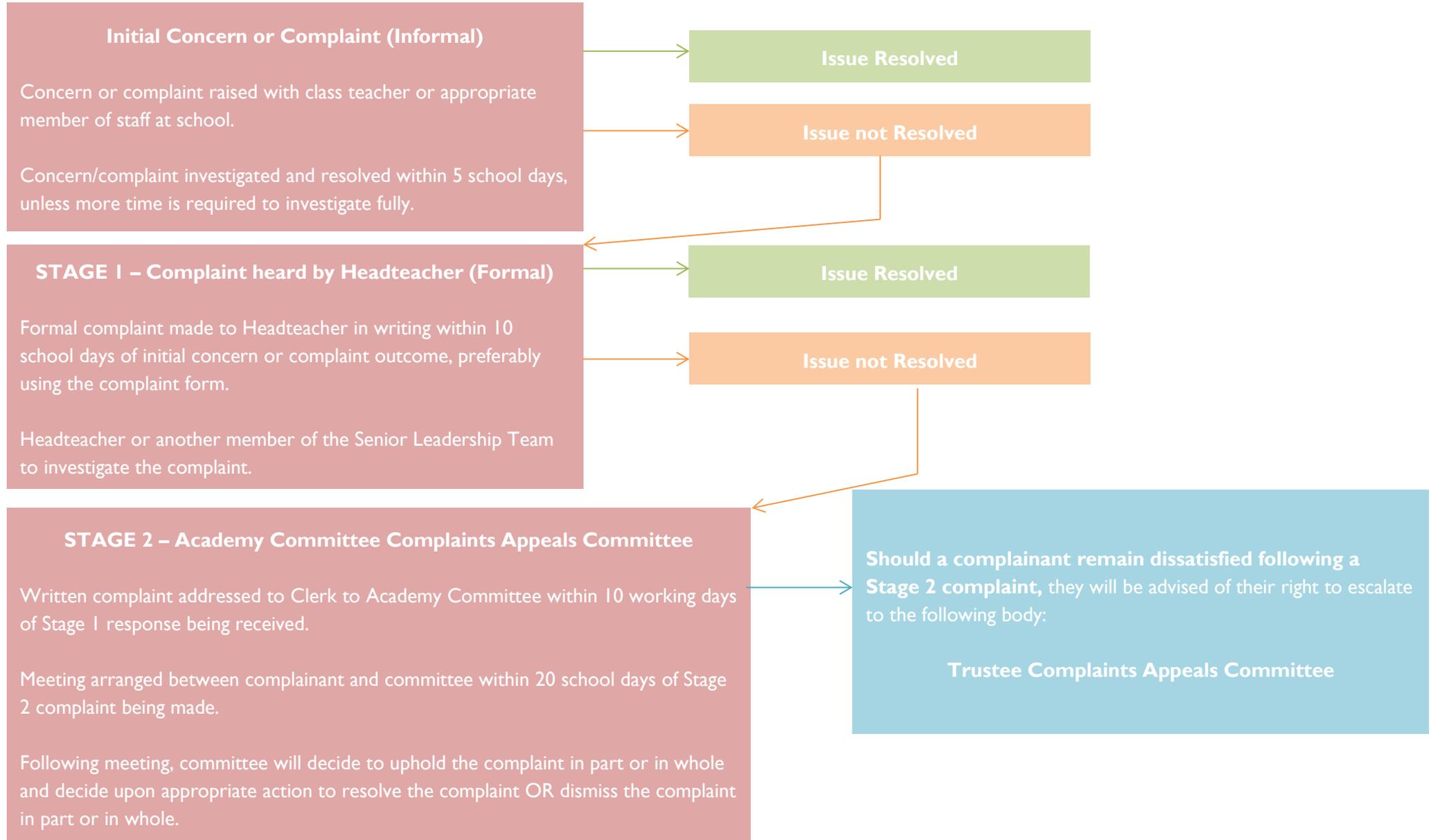
**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**

## 27. Appendix C - Summary of Dealing with Concerns and Complaints in PKAT schools



Issue not Resolved

### STAGE 3 – Trustee Complaints Appeal Committee

Written complaint addressed to Clerk of Trustees within 10 school days of the response being received.

Meeting arranged between complainant and committee within 20 school days of Stage 3 complaint being made.

Following meeting, committee will decide to uphold the complaint in part or in whole and decide upon appropriate action to resolve the complaint OR dismiss the complaint in part or in whole.

Should a complainant remain dissatisfied following a Stage 3 complaint, they will be advised of their right to escalate to the following body:

ESFA