



# 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 Academy Councils. School replaced by Academy. 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

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

Date policy adopted	September 2020
Review cycle	Annual
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 Academy 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.

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 Academy'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 an academy inspection or under other legal authority.

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

Complaints will be recorded in writing and monitored termly by members of the 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 only be kept for as long as considered reasonably necessary in the circumstances.

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

#### **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 Academy working days and give a full response of complainants within 10 Academy working days. Academy working days for the purposes of this policy are Monday to Friday when the Academy is open to students during normal term time. If the complaint is judged to involve complex issues, complainants will be informed within 10 Academy 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 Academy holidays or within 10 Academy working days of the start of an Academy holiday will be dealt with as soon as practicable.

The complaints procedure follows a number of stages:

**INFORMAL** – an opportunity to resolve the complaint with the Academy 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 Academy, 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 Academy.

#### **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 Academy's position
- the Academy is being repeatedly contacted with the same points being raised
- the Academy 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 monitored by the appropriate committee and reviewed by the Trustees.

As well as examining the policy statement will be checked for continuing relevance against any changed statutory requirements.

## Appendix 1 Operational processes

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1. Guidelines for Each Stage
2. Specific Issues
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4. Policy Review

- Appendix A The role of the Education and Skills Funding Agency  
Appendix B Formal Complaint Form  
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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, 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 Academy 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.

If the concern relates to the Principal, the individual should be advised to contact the Chair of the Local Academy Council who will share the concern with the Executive Principal.

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.

### **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 Academy days. The Principal or their representative will acknowledge the complaint orally or in writing within 3 Academy 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 of the Academy then the complaint will be referred to TPLT Board of Trustees.

### **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 Academy, 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 Academy 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 Academy 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.

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 Academy 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 Academy representative to explain the Academy'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 Academy working days. The decision will detail the panel's findings, any actions that the Academy 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 Academy's premises by the Board of Trustees, the Executive Principal and the Principal.

If the complaint is against the Principal, the Executive Principal will take the role of the Academy Council.

If the complaint is against the Executive Principal, 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).

### **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 Academy 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 Executive Principal 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 Academy, or a representative from the Local Authority, and they will be independent of the running of TPLT or any of its Academies.

## **8.9 Stage 5 – Referral to the Department of Education**

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 Academy. They will consider complaints about Academies that fall into any of the following three areas:

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

The ESFA will not overturn a Academy's decision about a complaint. However, if they find the Academy 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, 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 by the Academy Council annually

As well as examining the specific review data, the policy statement will be checked 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 Academy 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 Academy's complaints procedure. The complainant will be advised to contact the Headteacher/Principal to take the matter further. If the complaint has already involved the Headteacher/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 Headteacher/Principal and the complainant. If this is not possible or successful the complainant will be referred to the Chair of the Academy Council. In this situation the Headteacher/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 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 Academy 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 Academy decides that a complaint which was submitted late will not be investigated, the Academy will write to the Complainant notifying them of the decision within **five Academy 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 Academy Council at the Academy asking for the decision to be reviewed. The Chair of the Academy Council will be provided with all documentation relating to the complaint, together with the letter from the Academy to the Complainant, and will review the decision not to investigate the complaint. The Chair of the Academy Council will **not** investigate the complaint itself during this review.

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

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

If the Chair of the Academy 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 Academy Council can delegate the responsibility for the review to the Vice-Chair of the Academy Council.