

Pontefract Academies Trust

Together - Inspire - Achieve

Complaints Policy

Trust Board Approval Date	7 July 2014
Effective Date	7 July 2014
Planned Review Date	July 2015
Web Access	Internet
Owner	Director of Finance, Business & Operations

Contents

	PAGE
1. Introduction & Aims	1
2. Principles	2
3. Representation & Recording	3
4. Stage One: Informal Complaints	4
5. Stage Two: Formal Complaints	6
6. Stage Three: Appeals & Hearings	7
7. Request for Complaint Review	9
Appendix A: Complaint Form	10
Appendix B: Complaint Appeal Form	11
Appendix C: Complaints Flowchart	12

1. Introduction & Aims

- 1.1 Pontefract Academies Trust (the Trust) views complaints as an opportunity to learn and improve for the future, as well as a chance to put things right for the person or organisation that has made the complaint.
- 1.2 The aims of our complaints policy are:
- To provide a fair complaints procedure which is clear and easy to use for anyone wishing to make a complaint
 - To publicise the existence of our complaints procedure so that people know how to contact us to make a complaint
 - To make sure everyone at the Trust knows what to do if a complaint is received
 - To make sure that all complaints are investigated fairly and in a timely way
 - To make sure that all complaints are, wherever possible, resolved and that relationships are repaired
 - To gather information which helps us to improve what we do
- 1.3 A complaint is an expression of dissatisfaction, whether justified or not, about any part of the Trust. This policy deals with such complaints if made by a pupil / student, a parent or any other external stakeholder, except where there are separate appeals procedures for a parent dissatisfied with a decision regarding either the admission or exclusion of their child and for appeals against the grade awarded to their child in an external examination.
- 1.4 There are also separate procedures to deal with a complaint raised by or on behalf of a member of staff:
- Grievance Procedure – complaint by an employee of unfair treatment
 - Harassment Procedure – complaint by an employee who believes they are being subject to bullying or intimidation
 - Disciplinary Procedure – complaint by an employee about the conduct of another member of staff
 - Whistleblowing Procedure – any unresolved allegation of institutional malpractice

2. Principles

- 2.1 The Trust believes that most complaints can be resolved satisfactorily by informal discussion either over the telephone or through a meeting involving the key people involved.
- 2.2 Informal queries or complaints should be taken up directly with the relevant member of staff either verbally or in writing. Formal complaints should be addressed to the Headteacher in writing where it relates to an individual school or the Chair of the Trust Board where it relates to a Headteacher.
- 2.3 All complaints will be dealt with as quickly and efficiently as possible. The length of the period will vary with the gravity and complexity of the complaint and the urgency with which it needs to be settled. However, the intention is that all complaints should be settled within a period which is reasonable in the circumstances.
- 2.4 All formal complaints will be investigated fully, fairly and carefully and complainants will be kept informed of progress.
- 2.5 The aim is always to secure the resolution of the complaint to the satisfaction of the complainant if possible.
- 2.6 The Trust Board (or relevant committee of the Trust Board) will review causes of complaints annually to identify any trends which may indicate a need to take further action.
- 2.7 There is an expectation that all persons involved in the complaints process will behave in a calm and respectful manner and refrain from unacceptable language/abuse, or any physical contact.

The person receiving a complaint by telephone who is subjected to unacceptable language/abuse will explain to the complainant that their behaviour is unacceptable and that they will be ending the call and will make a record to this effect.

Any complainants making physical contact with any employee / local governing body member / Trustee will be removed from Trust premises with immediate effect with potential involvement of the Police.

3. Representation and Recording

3.1 Representation

The complainant may be accompanied by a friend, colleague or other representative. In this case, the complainant should make their own arrangements for such representation. The representative may ask questions, confer with the complainant and make summary statements but may not answer questions on behalf of the complainant.

3.2 Recording

The Headteacher will acknowledge receipt of a written complaint within three working days.

The complaint will be accurately recorded, together with the outcome and reasons for the outcome. The complainant will be informed of the outcome in writing, together with their entitlement to appeal to the outcome.

Where the complaint is upheld, any action to be taken by the school in response will also be recorded.

Records will be held in a secure and confidential manner.

4. Stage One: Informal Complaints

- 4.1 Informal complaints or concerns should be raised with the relevant member of staff, such as class teacher, Head of Department / Year or senior staff. Where an informal complaint is raised with the Headteacher, they may deal with it in person, or pass it to the most appropriate member of staff to deal with it informally.

If the complainant indicates that they would have difficulty discussing the complaint with that member of staff, the Headteacher may direct them to another member of staff.

If the member of staff, indicates that they would have difficulty dealing with the complaint objectively, the Headteacher may direct the complainant to another member of staff.

- 4.2 Informal complaints to the Chair of the Local Governing Body or the Chair of the Trust Board will be referred to the Headteacher of the relevant school in the first instance. However, if the complaint concerns the Headteacher and/or has already been taken up with the Headteacher without being resolved, the complaint must be made in writing to the Chair of the Trust Board.

- 4.3 In some cases, matters affecting general school policy may be judged by the Headteacher, in consultation with the Chair of the Local Governing Body, to be an appropriate area for discussion at Local Governing Board level or referred upwards to the Trust Board, in order to resolve the complaint. In these circumstances care will be taken to ensure that the identity of the complainant and the individual complained of are not disclosed in case a formal complaint is made subsequently.

- 4.4 Recording of Complaints received by telephone or in person will be recorded in a complaints log. The person who receives the phone call or in person complaint will:

- Write down the facts of the complaint
- Take the complainant's name, address and telephone number
- Note down the relationship of the complaint to the Trust (eg. Parent of a pupil/student)
- Inform the complainant about the complaints procedure and where it can be found on the web-site
- Inform the complainant what will happen next and how long it will take
- Where appropriate, request that the complainant send a written account by post or by email so that the complaint is recorded in the complainants own words and can be treated as a formal complaint.

- 4.3 Complainants can expect that in following the procedure set out above, the person receiving a verbal complaint will:

- Remain calm and respectful throughout the conversation
- Listen patiently and with interest at what is being said
- Obtain details about the complaint before any personal details
- Ask for clarification wherever necessary but will not debate the facts in the first

4. Stage One: Informal Complaints

instance

- Demonstrate that they have understood the complaint by reflecting back what they have noted
- Ask what the complainant would like done to resolve the issue

4.4 Under normal circumstances informal complaints should take no more than **5 working days** to complete any necessary investigation and attempt a resolution.

4.5 Every effort will be made to resolve the problem to the satisfaction of the complainant at this informal stage. Possible outcomes include:

- a) complaint resolved to the satisfaction of the complainant
- b) complaint not resolved to the satisfaction of the complainant
- c) complaint dealt with under another procedure

5. Stage Two: Formal Complaints

- 5.1 The Headteacher will acknowledge receipt of a written complaint within **three working days**.
- 5.2 The Headteacher will ensure that the complaint is investigated fully. The Headteacher may delegate responsibility for conducting the investigation to another member of staff.
- 5.3 Where the complaint concerns the Headteacher, the Headteacher will inform the complainant in writing that they should send a completed complaint form (Appendix A) to the Chair of the Trust Board, who will then take the place of the Headteacher throughout the formal procedure.
- 5.4 Once the investigation has been complete, the Headteacher will review all the information and discuss the findings with the complainant with the aim of resolving the complaint to the complainant's satisfaction.
- 5.5 The Headteacher will decide on the outcome and inform the complainant in writing of the decision, together with details of how to appeal against the decision if they remain dissatisfied. A meeting may also be arranged to convey the reasons for the decision.
- 5.6 On rare occasions, the decision may involve taking disciplinary action against an employee of the Trust. This will be dealt with through the Trust's disciplinary procedures and the complainant will be informed to this effect. The Trust's disciplinary procedures require that all details of proceedings remain confidential and consequently the complainant will not be informed of the outcome.
- 5.7 Under normal circumstances stage one formal complaints should take no more than **10 working days** to complete any necessary investigation and attempt a resolution.
- 5.8 Possible outcomes from this stage include:
- a) complaint withdrawn
 - b) complaint dismissed
 - c) complaint dealt with under another procedure
 - d) complaint upheld

6. Stage 3: Appeals and Appeal Hearing

6.1 Appeals

If the complainant remains dissatisfied, they should send a completed Complaint Appeal form (see Appendix B) to the Chair of the Local Governing Body.

The Chair may be able to resolve the complaint informally, with the result that the complainant withdraws their appeal.

If this is not possible, the Chair will convene an appeal hearing by a Local Governing Body Appeals Committee.

6.2 Appeal Hearing

The Local Governing Body Appeal Committee will be convened within **15 working days** of the receipt of a written request for an Appeal Hearing. If no dates within this timescale are convenient to the complainant, the panel may meet outside this time period. Notice of the meeting will be made in writing at least 5 days in advance of the meeting date unless a shorter timescale is mutually agreeable.

The appeal will be heard by a Local Governing Body Appeal Committee comprising of at least three Governors, one of whom will act as Chair of the hearing. The Committee may not include the Chair of the Local Governing Body, an employee of the Trust (either centrally or in a school) or a Governor who has had a prior involvement in the complaint or in the incident to which the complaint refers. Importantly, the panel will always include a person who is independent of the management or running of the Trust / school (a member of the Local Governing Body or the Trust Board is not regarded as independent).

6.4 The Appeal Committee will decide whether or not the outcome of the formal procedure was correct. Accordingly, the respondent will be the person who made that decision; that is either the Headteacher or the Chair of the Local Governing Body.

6.5 The complainant may be accompanied by a friend, colleague or other representative. In this case, the complainant should make their own arrangements for such representation. The representative may ask questions, confer with the complainant and make summary statements but may not answer questions on behalf of the complainant.

6.6 The Appeal Committee Chair will decide the procedure to be followed, ensuring that:

- a) The remit of the Committee is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- b) Members of the Committee are objective and open minded, and act independently;

6. Stage 3: Appeals and Appeal Hearing

- c) The complainant and any others who may not be used to speaking at such a hearing are put at ease;
- d) The hearing is conducted in an informal though clearly structured manner with each party treating the other with respect and courtesy;
- e) Each side is given the opportunity to state their case and to ask questions;
- f) Any written material is seen by all parties in advance of the meeting. If a new issue arises all parties should be given the opportunity to consider and comment on it;
- g) Any witnesses are only required to attend for the part of the hearing in which they give their evidence;
- h) The issues are addressed;
- i) Key findings of fact are made.

6.7 The hearing should generally proceed as follows:

- a) Introductions and introductory comments from the Committee Chair;
- b) The complainant explains the complaint, followed by questions from the Committee members
- c) Any witnesses to support the complaint give evidence and are questioned
- d) The respondent explains the outcome of the formal procedure and briefly describes the preceding informal procedure if applicable, followed by questions;
- e) Any witnesses to support the respondent give evidence and are questioned
- f) The complainant sums up
- g) The respondent sums up
- h) With the exception of the Committee members and any independent advisor they may have, all persons withdraw while the Committee reviews the evidence and decides the outcome;
- i) The complainant and the respondent are informed of the decision

6.8 The Appeals Committee may:

- a) dismiss the complaint in whole or in part
- b) uphold the complaint in whole or in part
- c) decide on any further action to be taken
- d) if appropriate, recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur

6.9 The complainant will be informed in writing within **five working days** of the outcome of the Appeal Hearing. Whether the complaint is upheld or not, the reply to the complainant will include a description of the actions taken to investigate the complaint, the conclusions from the investigation, and any action taken/planned as a result of the complaint. The decision taken at this stage is final.

7. Request for Complaint Review

7.1 Where a complainant is not satisfied that their complaint has been handled properly by the Local Governing Body it may request via the Chair of the Trust Board that it is reviewed by the Trust Board. The Trust Board will consider whether the Local Governing Body has complied with this policy in considering the case. If they find the Local Governing Body did not deal with the complaint properly they will put in place measures for the complaint to be looked at again from the appropriate stage and incorporating a member of the Trust Board. The review process will take no more than 15 working days to complete.

7.2 Where a complainant is not satisfied that their complaint has been handled properly by the Trust following the review by the Trust Board it may progress to the Education Funding Agency via the schools complaints form (<https://www.education.gov.uk/form/school-complaints-form>).

The Education Funding Agency will not overturn the Trust's decision about a complaint. However, if they find the Trust did not deal with the complaint properly, they will request the complaint is looked at again from the appropriate stage, following a process which meets the requirements set out in the "The Education (Independent School Standards) (England) Regulations 2010 PART 7 Manner in which complaints are to be handled"

7.2 The Education Funding Agency will consider complaints which fall into any of the following three areas:

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

APPENDIX A: COMPLAINT FORM

Complainant Details:	
Name	
Address :	
Postcode:	
Telephone / Mobile No.	

Details of the Complaint (please include full details, including dates, times and names of those involved)			
Please continue on a separate sheet if necessary			
Signed:		Date:	
Print Name			

Once completed, send this form to the Headteacher who will arrange for the complaint to be investigated and a response within 10 working days

For office use only:

Date received by Headteacher:

Date of Response to Complainant:

Tick response conclusion

Complaint Withdrawn	Complaint dismissed	Complaint dealt with under another procedure	Complaint upheld
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APPENDIX B: COMPLAINT APPEAL FORM

Complainant Details:	
Name	
Address :	
Postcode:	
Telephone / Mobile No.	

I am dissatisfied with the response of the above complaint and would like an Appeal Hearing for the following reasons:			
Please continue on a separate sheet if necessary			
Signed:		Date:	
Print Name			

Once completed, send this form to the Chair of the Local Governing Body who will arrange for an appeal panel to be convened within 15 working days of receipt of this request

For office use only:

Date received by Chair of the Local Governing Body:

Date of Response to Complainant:

Tick response conclusion

Complaint Withdrawn	<input type="checkbox"/>	Progress to Appeal Hearing	<input type="checkbox"/>
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APPENDIX C: Complaints Flowchart

