

COMPLAINTS POLICY

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1. Aims

Peninsula Multi Academy Trust (the Trust) aims to meet its statutory obligations when responding to complaints from parents or carers of students at academies within the Trust.

When responding to complaints, the Trust will aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainant's desire for confidentiality
- Treat complainants with respect
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into the Trust's improvement evaluation processes

The Trust will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, the Trust will ensure it publicises the existence of this policy and make it available on the Trust website.

1.1. Scope

Stage 1 – Formal Complaint – heard by the Executive Leader or Chair of the Trust Board

Stage 2 – Formal Complaint – heard by a Complaint Panel

Stage 3 – Formal Complaint directed to Education & Skills Funding Agency (ESFA)

2. Legislation and Guidance

This document meets the requirements set out in part 7 of the schedule to the Education (Independent School Standards) Regulations 2014, which states that we must have and make available a written procedure to deal with complaints from parents and carers of students at our schools.

It is also based on guidance published by the ESFA on creating a complaints procedure that complies with the above regulations, and refers to good practice guidance on setting up complaints procedures from the Department for Education (DfE).

The Trust will ensure its policy complies with its Funding Agreement and Articles of Association.

3. Definitions

The DfE guidance explains the difference between a concern and a complaint.

A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”.

A **complaint** is defined as “an expression of dissatisfaction, however made, about actions taken or a lack of action”.

Informal concerns should be dealt with at school level by academies within the Trust in accordance with the relevant academy's Complaints Policy. Academies should look to resolve complaints informally where possible and at the earliest possible stage through day-to-day communications as appropriate.

The Trust acknowledges, however, that there may be occasions when complainants would like to raise their concerns formally. This policy, in conjunction with the policies of academies within the Trust, outlines the procedures relating to the handling of such complaints.

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of Special Educational Needs (SEN)
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see separate policies for procedures relating to these types of complaints available from the respective academy.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned; however, the respective academy should be made aware of such complaints.

Complaints from other parties/those who are not parents or carers of students at academies within the Trust will be considered separately and the Trust will respond as appropriate.

4. Roles and responsibilities

4.1 The complainant

It will help us to deal with the complaint in a timely way and more effectively if the complainant:

- Follow these procedures
- Cooperate with the Trust throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed
- Treat all those involved with respect
- Not publish details about the complaint on social media

4.2 The investigator

An individual will be appointed on behalf of the Trust to look into the complaint, and establish the facts (ordinarily the Executive Leader or Chair of the Trust Board). They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the Trust or complaints panel which includes the facts and potential solutions

4.4 Clerk to the Trust Board

The Clerk will:

- Be the contact point for the complainant and the complaints panel, including circulating the relevant papers and evidence before complaint panel hearings
- Arrange any complaints hearing
- Record and circulate the minutes and outcome of the hearing

4.5 Panel Chair

The Panel Chair will:

- Chair any meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

5. Principles for Investigation

When investigating a complaint, the Trust will aim to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

The Trust will attempt to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set and the complainant will be sent details of the new deadline with an explanation for the delay.

The Trust expects complaints to be made as soon as possible after an incident arises and no later than three months afterwards. Exceptions to this time frame may be considered, in circumstances where there were valid reasons for not making a complaint within that time and the complaint may still be investigated in a fair manner for all involved. The Trust will consider such circumstances on an individual basis.

6. Stages of Complaint (including complaints against a Local Governing Body, Trust or Executive Leader)

Stage 1: Formal Complaint heard by the Executive Leader / Chair of the Trust Board

The formal stage involves the complainant putting the complaint to the Executive Leader or Chair of the Trust Board and/or the subject of the complaint, usually in writing via the complaints form (appendix A); however, the Trust will consider complaints raised:

- In a letter or email
- Over the phone
- In person
- Through a third party acting on their behalf

The complainant should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

If complainants need assistance raising a formal complaint, they can contact the Clerk to the Trust Board.

The Trust will acknowledge the complaint within three school days. The Executive Leader / Chair (or other person appointed by the Chair for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 15 school days.

In the event that the complaint has already been investigated at academy level by the Headteacher, the complainant will be referred to the next stage (panel hearing) of the respective school's complaints process or if the complaint has already been heard by a panel and a decision has been made, the complainant would be referred to the final stage of the policy, referral to the Education and Skills Funding Agency (ESFA).

If the complaint concerns the Executive Leader or a Trustee, the complaint should be investigated by the Chair of the Trust Board. If a formal complaint is received about the Chair, the complaint will be referred to the Vice Chair for investigation.

Where the Chair of the Trust Board has investigated the complaint, they will write the letter of outcome to the complainant and provide a copy to the Executive Leader.

Stage 2: Formal Complaint heard by a Complaint Panel

If the complainant is not satisfied with the outcome of the first formal stage (Stage 1), the complainant should write to the Clerk to the Trust Board asking for the complaint to be heard before a Complaint Panel (Stage 2), within 10 school days.

The Clerk will record the date the request is received and acknowledge receipt in writing (either by letter or email) within three school days. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 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.

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.

The details of the complaint, including the names of individuals involved, will not be shared with the whole Trust Board in case a Complaint Panel needs to be organised at a later point.

The Complaint Panel will consist of three members. None of the three members of the Complaint Panel will have been involved in the incidents or events which led to the complaint, or have been involved in dealing with the complaint in the previous stages, or have any detailed prior knowledge of the complaint.

Two of the Complaint Panel members will be Trustees and one of the panel members will be independent of the management and running of the Academy Trust. This means that the independent Complaint Panel member will not be a Trustee or an employee of the Trust.

Where the Trust Board is aware of the substance of the complaint before the review panel stage, the Trust will (where reasonably practical) arrange for an independent panel to hear the complaint. Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the Trust Board, who will not unreasonably withhold consent.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Trust Board or
- the majority of the trust board,

Stage 2 will be heard by a panel that is independent of the complaint.

A complainant may bring someone along to the panel meeting 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 Trust employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Note: 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.

At least 10 school days before the meeting, the Clerk will:

- 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
- request copies of any further written material to be submitted to the committee at least seven school days before the meeting.

Any written material will be circulated to all parties at least five school days before the date of the

meeting. The Panel will not normally accept as evidence recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The Panel 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.

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. 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.

The Panel will consider the complaint and all the evidence presented. The Panel can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the Panel will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the Panel will provide the complainant and the Trust with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days. The letter to the complainant will include details of how to contact the ESFA if they are dissatisfied with the way their complaint has been handled by the Trust (see Stage 3).

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 the Trust will take to resolve the complaint.

The Panel will ensure that the findings and recommendations are sent in writing to the complainant and, where relevant, the person or academy complained about.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing.

Stage 3: Formal Complaint directed to ESFA

If the complainant believes the 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 2.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the Trust. They will consider whether the Trust and member school(s) have adhered to education legislation and any statutory policies connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).

The complainant can refer their complaint to the ESFA online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Complaints Team
Education and Skills Funding Agency
Cheylesmore House
Quinton Road
Coventry, CV1 2WT

7. Unreasonably Persistent Complaints

Where a complainant tries to re-open the issue with the Trust after the complaints procedure has been fully exhausted and the Trust has done everything it reasonably can in response to the complaint, the Executive Leader or Chair of the Trust will inform the complainant that the matter is closed.

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it's already been resolved by following the Trust's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure, beyond all reason
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to cooperate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- Is often or always abusive or aggressive in communication with the Trust
- Makes insulting personal comments about, or threats towards, members of the Trust
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

The Trust will take every reasonable step to address the complainant's concerns, and give them a clear statement of the Trust's position and the complainants options. The Trust will maintain its role as an objective arbiter throughout the process, including when they meet with individuals. The Trust will follow the complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the Trust in a disruptive way, we may put communications strategies in place which could include:

- Giving the complainant a single point of contact via an email address
- Limiting the number of times the complainant can make contact, such as a fixed number per term
- Asking the complainant to engage a third party to act on their behalf, such as Citizens Advice
- Putting any other strategy in place as necessary

If the complainant subsequently contacts the Trust again about the same issue, the Trust can choose not to respond. The normal circumstance in which we will not respond is if:

- The Trust has taken every reasonable step to address the complainant's needs, *and*
- The complainant has been given a clear statement of the Trust's position and their options (if any), *and*
- The complainant is contacting the Trust repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

Once the Trust has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The Trust will ensure when making this decision that complainants making any new complaint are heard, and that the Trust acts reasonably.

In response to any serious incident of aggression or violence, the Trust will immediately inform the police and communicate their actions in writing. This may include barring an individual from all school sites for schools within the Trust.

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

8. Record Keeping

The Trust will record the progress of all formal complaints, including information about actions taken at all stages of investigation, the stage at which the complaint was resolved and the final outcome. The records will also include copies of letters and emails and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally and will be viewed only by those involved in investigating the complaint or on the Complaint Panel.

This is except where the Secretary of State (or someone acting on their behalf) or the complainant requests access to records of a complaint through a Freedom of Information (FOI) Request or under the terms of the Data Protection Act, or where the material must be made available during an inspection of the Trust of one of its academies.

Records of complaints will be kept in accordance with record maintenance guidelines.

9. Learning Lessons

The Trust will review any underlying issues raised by complaints with the Executive Leader and/or Executive Leadership Team, where appropriate and respecting confidentiality, to determine whether there are any improvements that the Trust can make to its procedures or practice to help prevent similar events in the future.

10. Monitoring Arrangements

The Trust, or sub-committee thereof, will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Trust or committee will track the number and nature of complaints, and review underlying issues as stated in Section 9.

The complaints records are logged and managed by the Executive Leader.

This policy will be reviewed every 12 months or following changes in legislation. At each review, the policy will be approved by the Trust Board.

11. Links with other Policies

Academy policies dealing with other forms of complaints include:

- Admissions Policy
- Suspensions & Exclusions Policy
- Staff Grievance Policy
- Staff Disciplinary Policy
- Whistle Blowing Policy
- Special Educational Needs (SEN) Policy

Complainants should seek a copy of such policies from the respective Academy within the Trust.

Appendix A: Complaint Form

Please complete and return to office@peninsulamamat.co.uk or in person at the school office for the attention of the appropriate person (depending on the stage of the complaint).

Your name:	
Student name (if relevant):	
Your relationship to the student (if relevant):	
School name (if relevant)	
Home address:	
Telephone number:	
Email address:	
Please give brief details of your complaint:	
Please provide us with details of what action(s), if any, have you already taken to try to resolve your concern or complaint, as well as who you have spoken to and what was their response.	
What actions do you feel might resolve the problem at this stage?	
Do you wish to provide the school with documents to help us understand your complaint better? If so, please provide details.	
Signature:	Date:

Official use
Date acknowledgement sent:
By who:
Complaint referred to:
Action taken:
Date: