

PIPER HILL LEARNING TRUST



COMPLAINTS PROCEDURES POLICY

Complaints Procedures Policy

NB This policy relates to complaints about the educational administration of an academy and typically applies to complaints made by parents and carers of students. It does not relate to matters which are governed by employment legislation or those where the principles of civil contract law would normally apply e.g. service/supply contracts entered into with an academy.

1. Context

As part of their responsibility for the conduct of the school, Trusts have to ensure that complaints are dealt with properly. The academy trust tries to resolve problems informally wherever possible. Initially there will be a consideration of whether the matter can be resolved without invoking any formal process. For example, many matters come to head teachers apparently as a complaint, but can be resolved amicably through discussion. It would be wrong to categorise such cases as 'complaints'. Care must be taken, however, not to obstruct the right of someone to pursue the formal complaints procedure if that is their wish.

An effective response and appropriate redress will be provided to all complaints as quickly as possible dependent upon the complexity of the issues raised.

2. Legal Obligations

Complainants must be aware that there is a complaints procedure and copies of this policy will be available on request.

3. Dealing With Complaints

a) At each stage, the person investigating the complaint will ensure that they:

- Clarify the nature of the complaint and unresolved issues
- 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
- Keep appropriate notes of any interview(s) held.

b) At each stage, the person investigating the complaint will seek ways to resolve the complaint satisfactorily. It may be appropriate to offer one or more of the following:

- An acknowledgement that the complaint is valid in whole or in part and/or acknowledgement that the situation could have been handled differently or better (this is not the same as an admission of negligence)

- An apology
- An explanation
- An assurance and an explanation of the steps that have been taken to ensure that it will not happen again
- An undertaking to review academy procedures in light of the complaint.

4. Records

All complaints will be recorded by the school, including informal complaints. The Headteacher is responsible for ensuring that staff record all complaints and their outcome.

- Records relating to individual complaints are confidential, except in limited circumstances to comply with the Data Protection Act or Freedom of Information act, or where the secretary of state or a statutory body conducting an inspection requests access to them.
- 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.
- Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 162A of the 2002 Act requests access to them.
- The Trust staffing and finance committee for Piper Hill and the LGB for Pioneer House will monitor the level and the subject matter of complaints and review the outcomes on a regular basis through the mechanism of performance and data reporting.

5. Complaints Procedures

a) Informal complaints – verbal informal complaints may be made to teachers at the end of the school day or to the Headteacher by appointment. A verbal or written response may be given to an informal complainant.

b) Formal complaints - The complainant will write to the academy with details of:

- The complaint
- Any attempts they made to raise/resolve the complaint (who they spoke to and when)
- Actions they feel might resolve the problem
- Any staff they would prefer not to discuss the issue with.

c) A staff member (not the subject of the complaint) nominated by the Headteacher will acknowledge and investigate the complaint within 7 working days.

This time scale may be reasonably extended if the nature of the complaint is judged by the Headteacher to be of a complex nature. The investigatory report will be presented to the Headteacher for final determination. The complainant will then receive a formal response in writing from the Headteacher. (See paragraph 9 for complaints about the Headteacher).

d) If the complainant is still not satisfied, they can appeal to the chair of the Trust. A complaint panel will be convened within a reasonable period of time depending on the availability of governors and other members making up the panel. The panel will be appointed by the chair of the Trust and will consist of at least three people who were not involved in the matter detailed in the complaint. One panel member will be independent of the management and running of the school. Every effort will be made to deal complaint appeals expeditiously.

e) The complainant is entitled to attend and be accompanied at a panel hearing if they wish.

(f) On hearing the detail of the complaint the panel will make findings and recommendations.

(g) A copy of those findings and recommendations will be sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about; and will be available for inspection on the school premises by the chair of the Trust and the head teacher.

(h) The school reserves the right to deny investigation of any complaints which are considered to be vexatious, malicious, and those relating to a previous complaint that has already been investigated.

6. Appeals

If complainants are not satisfied with the outcome of the first Trust panel they are entitled to appeal. The following arrangements will apply:

(a) Constitution of the panel

- The panel will consist of between three and five people with no prior direct involvement with the issue.
- The panel will be structured such that it is comprised of individuals who are able to address the nature of the specific complaint whilst remaining independent.
- No member of the panel can have been directly involved in previous consideration of the complaint.
- Individual complaints must not be heard by the whole trust board/governing body at any stage.

(b) Remit of the panel

The panel can:

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Decide on the appropriate action to be taken to resolve the complaint
- Recommend changes to the academy's systems or procedures to ensure that problems of a similar nature do not recur.

(c) Proceedings of the panel

The Chair of the panel will be the contact point for the complaint and will be required to:

- Set the date, time and venue of the hearing

- Collate any written material and send it to the parties in advance of the hearing
- Record the proceedings including any recommendations.
- Notify parties of the panel's decision. The decision of the appeal panel is final subject to any subsequent referral to the EFA (see note at end of this policy document).

7. Dealing With Persistent Complaints

In the case of vexatious or persistent complaints, the Chair of the Trust will inform the complainant in writing that the procedure has been exhausted and that the matter is now closed.

8. Responsible Person

The person in charge of co-ordinating the complaints procedure at the academy is the Headteacher. Overall responsibility is retained by the Trust. The role of governors arises only in respect of appeals where the complainant remains dissatisfied with attempts to resolve the issue of complaint and as set out above.

9. Complaints Made About A Headteacher

The Trust recognises that in exceptional circumstances parents / carers may wish to complain about the Headteacher.

- If the complainant wishes to raise a complaint about the Headteacher, they should raise this directly with the Headteacher in the first instance. This is the first stage of the process.
- Where issues have been raised in this way and remain unresolved, the complainant may appeal and write to Trust Board. On receipt the complaint will be acknowledged and an investigation will be undertaken. A panel will be convened and the panel members will not have had any direct involvement in the matters detailed in the complaint. The case and the complainant will receive a formal written response. As matter of courtesy the Chair of the Trust will be advised.

The determination will be made within 15 working days unless the complaint is judged to be of a complex nature.

Note regarding the Education Funding Agency (EFA): In limited circumstances it is possible for complaints to be referred to the EFA. The EFA can consider complaints where it is alleged that a) the academy has not complied with its own complaints policy or the policy does not comply with statutory requirements OR b) the academy has failed to comply with a duty imposed on it under its funding agreement with the Secretary of State. Details of how to complain can be found on the Department for Education's website.

10. Links With Child Protection And Disciplinary Procedures

When considering any complaint, all involved from the school will consider whether the matter should be dealt with under other more appropriate procedures. Matters being treated as complaints are reviewed at each stage of the process, including at the very beginning, to ensure that they are dealt with at the level appropriate.

There is a hierarchy of procedures:

1. Child Protection
2. Disciplinary
3. Complaints

If at any point there is any evidence that a higher level process should be followed, then the complaints procedure will be paused to allow consideration of the matter at the higher level. The complainant will be told that there may be a delay, but will not be given information about the use of child protection or disciplinary procedures. The Child Protection procedures have been established by the Area Child Protection Committee, and are the same for all schools. Disciplinary procedures can vary between schools, and are determined by the Trust.

The Head Teacher and chair of the Trust will seek professional advice if there is any doubt about whether a matter should be dealt with under the complaints procedure or one of the other higher ranked procedures.

Policy Information and Review

Policy review dates (frequency of review: every 3 years)

Date	Changes made	By whom
	Policy created	
19/5/12	Policy review	Agreed by Governors
29/6/15	Policy review and update	R. O'Hara
24.4.16	Policy review and update	W. Godfrey