

# PONTEFRACT

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## ACADEMIES TRUST

### COMPLAINTS POLICY

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Implementation Date	1 September 2019
Planned Review Date	July 2022
Status	Statutory
Lead Professional ( <i>Referred to as Complaints Coordinator in this document</i> )	Joanna Carr, Assistant Headteacher
Name of School	Orchard Head J, I & N School

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# 1. Purpose of Policy and Guiding Principles

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	<b>Pages</b>
1 Purpose of Policy and Guiding Principles	2
2 Links with other Policies or legislation	3
3 Raising a concern: Guidelines for dealing with concerns and complaints informally	4
4 Formal complaints	5-6
5 Serial and persistent complaints	7
6 Physical or verbal aggression	8
7 Roles and responsibilities	9
8 Monitoring and evaluation	10
Appendix 1 – Flowchart detailing the procedure for handling concerns and complaints	11
Appendix 2 – Procedure at Stage 2	12
Appendix 3 – Procedure at Stage 3	13
Appendix 4 – Procedure at Stage 4	14-15
Appendix 5 – Exceptions to Policy	16

# 1. Purpose of Policy and Guiding Principles

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## **1.0 PURPOSE OF POLICY AND GUIDING PRINCIPLES**

- 1.01 This Policy is intended as a good practice guide applying to most general complaints which the School is likely to receive from parents, carers and other stakeholders that use School facilities or services. The Complaints Procedure is made available on request and is available for inspection on the school and trust websites.
- 1.02 The School is committed to resolving any complaints at the earliest possible stage and the purpose of this Policy is to address and resolve concerns and complaints. The aim of this Complaints Procedure is to:
- encourage resolution of problems by informal means wherever possible
  - be easily accessible and publicised
  - be simple to understand and use
  - be impartial and non-adversarial
  - allow swift handling with established time-limits for action and keeping people informed of progress
  - ensure a full and fair investigation by an independent person where necessary
  - respect confidentiality
  - address the concerns raised and provide an effective response and appropriate redress, where necessary
  - provide information to senior leaders about where improvements can be made
- 1.03 For ease of reference a flowchart can be found in **Appendix 1**, which details the procedure for handling concerns and complaints.
- 1.04 There are separate procedures for complaints about:
- the provision of religious education and collective worship
  - the Local Authority's special needs assessments
  - financial improprieties
  - alleged criminal activities
  - employment issues
  - exclusions and admission processes
- 1.05 **Appendix 5** details exceptions to this Complaints Policy for which there are separate procedures.

## 2. Links with other Policies or legislation

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### **2.0 LINKS WITH OTHER POLICIES OR LEGISLATION**

- 2.01 The School is required by the Education Act 2002 to have a complaints procedure. Guidance on school complaints procedures can be found on the Department of Education website.
- 2.02 The School is required to comply with their obligations under the Equality Act 2010, Data Protection Act and Freedom of Information Act.

### 3. Raising a concern: Guidelines for dealing with concerns and complaints informally

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- 3.0 RAISING A CONCERN; GUIDELINES FOR DEALING WITH CONCERNS AND COMPLAINTS INFORMALLY**
- 3.01 The vast majority of concerns and complaints can be resolved informally. It is in everyone's interest to resolve a complaint at the earliest possible stage. There are many occasions where concerns are resolved straight away through speaking to the class teacher or appropriate member of staff.
- 3.02 All stakeholders, particularly parents/carers, must feel able to raise a concern with members of staff without any formality, either in person, by telephone or in writing. At first it may be unclear whether the complainant is asking a question or expressing an opinion, rather than making a complaint. It may also be appropriate for someone to act on behalf of the complainant and it may be in everyone's interest to have a preliminary discussion about an issue to help decide whether the complainant wishes to take it further.
- 3.03 The School will seek to ask the complainant at the earliest stage what they think might resolve the issue in order to find a satisfactory outcome for all parties.
- 3.04 The normal response time for an initial response or acknowledgement is within 24 hours. Where this is not possible, an explanation must be given for the reason for delay.
- 3.05 Members of staff dealing with these concerns should record the nature of the concern and steps taken to resolve it.
- 3.06 If the complainant is not satisfied by the actions taken to resolve the issue at this informal stage they should follow the formal complaints procedure.

## 4. Formal complaints

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### 4.0 FORMAL COMPLAINTS

- 4.01 It is in everyone's interest that complaints are resolved at the earliest possible stage. The School has a four stage formal complaint process (**Appendix 1**).
- 4.02 As the Head of School has responsibility for the day-to-day running of the School they have responsibility for the implementation of the complaints procedure, including decisions about their own involvement at various stages. One of the reasons for having various "stages" in a complaints procedure is to reassure complainants that their grievance is being heard by more than one person.
- 4.03 The Head of School will make arrangements to ensure that their involvement will not predominate at every stage of a particular complaint. If the Head of School is involved at Stage 1, then Stage 2 should be carried out by another senior leader.
- 4.04 The nominated Complaints Co-ordinator is shown on the front page of this Policy. Their job is to monitor and record the outcomes of complaints

### 4.1 STAGE 1 – COMPLAINT HEARD BY A MEMBER OF STAFF

- 4.1.1 Complainants have an opportunity for discussion about their concern with the appropriate member of staff (e.g. class teacher, Student Liaison Officer, Senior Leader, or Head of School's PA) who clarifies the nature of the concern, and will reassure them that the School wants to hear about it. The member of staff may be able to resolve the complaint by explaining how the situation happened. It can be helpful to identify at this point what sort of outcome the complainant is seeking.
- 4.1.2 If the member of staff first contacted cannot immediately deal with the matter, s/he should make a clear note of the date, name, contact address and/or phone number.
- 4.1.3 Any member of staff will know how to refer, if necessary, to the person with responsibility for the particular issue raised. S/he will check later to make sure the referral has been successful.
- 4.1.4 On certain major issues, the Head of School may decide to deal with concerns directly at this stage.
- 4.1.5 If the concern relates to the Head of School and is not resolved at this stage it will escalate to Stage 3 and the Executive Director of Primary/Secondary Education will be involved.
- 4.1.6 The staff member dealing with the concern will make sure that the complainant is clear what action (if any) or monitoring of the situation has been agreed, putting this in writing only if this seems the best way of making things clear.
- 4.1.7 Where no satisfactory solution has been found within 10 school days, the complainant is asked if they wish their concern to be considered further. If so they are given clear information, orally and in writing.

## 4. Formal complaints

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### 4.2 STAGE 2 – COMPLAINT HEARD BY A SENIOR LEADER

- 4.2.1 At this stage it has become clear that the concern is a definite complaint and the complainant should confirm this in writing to the Head of School. The Head of School will then allocate a senior leader, or may choose to investigate it themselves, to respond and the Complaints Co-ordinator will monitor the situation and keep them informed.
- 4.2.2 The process at Stage 2, with more information on who will be involved and timescales, is included in **Appendix 2**.
- 4.2.3 If a complaint is against the action of a Deputy/Assistant Head, the Head of School will investigate.

### 4.3 STAGE 3 – COMPLAINT INVESTIGATED BY THE HEAD OF SCHOOL AND THE EXECUTIVE DIRECTOR PRIMARY/SECONDARY IS MADE AWARE

- 4.3.1 At this stage the complaint has not been resolved by the appointed senior leader. The Head of School will now fully investigate the matter; they will also make the Executive Director of Primary/Secondary aware of the complaint.
- 4.3.2 The process at Stage 3 with more information on who will be involved and timescales, is included in **Appendix 3**.
- 4.3.3 If the complaint is against the Head of School, the Executive Director of Secondary/Primary Education will lead the investigation.

### 4.4 STAGE 4 – COMPLAINT HEARD BY APPEAL PANEL

- 4.4.1 If the complainant indicates in writing that they wish to appeal against the outcome of the investigation into their complaint, this is referred to an Appeal Panel. The Appeal Panel will comprise of at least 3 people who were not directly involved in the matters detailed in the complaint.
- 4.4.2 It is important that this review is unprejudiced and impartial; therefore the Trust will ensure that at least one member of the panel is independent of the management and running of the academy. To maintain independence this person will be a suitably appointed person independent of the Trust, i.e. not either an employee or member of the governance structure of the Trust. The review is the last stage of the internal complaints process and is not there to merely rubber stamp previous decisions.
- 4.4.3 Many complaints are inevitably seen by parents/carers as being “against” a particular member of staff and their actions. However, all complaints that reach this stage will have done so because the complainant has not been satisfied at the earlier stages of the procedure. Therefore it may be appropriate for the SPRB to consider that the complaint is against the School rather than against the member of staff whose actions led to the original complaint.
- 4.4.4 The process at Stage 4, with more information on who will be involved and timescales, is included in **Appendix 4**.

## 5. Serial and Persistent Complaints

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### 5.0 SERIAL AND PERSISTENT COMPLAINTS

- 5.01 The majority of people pursue their complaints about the School in a way that is reasonable. This means that they treat others with courtesy and respect and, recognising the time constraints under which members of staff work, allow the School a reasonable time to respond to a complaint.
- 5.02 However, occasionally, despite all stages of the procedure having been followed, the complainant remains unhappy. It may be that the School was not able to resolve all aspects of their complaint and, instead of moving on, the complainant repeatedly tries to re-open the same issue. It is a poor use of the School's time and resources to make substantially the same points.
- 5.03 If the correspondence or complaint is viewed as 'serial' or 'persistent', the School may choose not to respond provided that the complainant has completed the procedure. The Executive Director may inform them in writing that the procedures have been exhausted and the matter is now closed. There will be no obligation on the part of the School/ to respond unless the complainant raises an entirely new, separate complaint which must be responded to in accordance with the complaints procedure and treated on its own merits. The School will need to adopt a proportionate approach and should not stop responding just because an individual is difficult to deal with or asks complex questions.



## 6. Physical or verbal aggression

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### 6.0 PHYSICAL OR VERBAL AGGRESSION

- 6.01 On rare occasions, the unreasonable behaviour of a complainant can pose a threat to the school community. This can occur either while a complaint is being investigated or once the investigation has finished. If this occurs, a warning letter to the complainant threatening to ban them from the premises should help to deter any abusive or aggressive behaviour. In the most extreme cases, it may be necessary to impose an actual ban on the person; if this is the case the School will seek legal advice on the process.
- 6.02 The School reserves the right to contact the Police to report extreme behaviour of an individual.

## **7. Roles and responsibilities**

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### **7.0 ROLES AND RESPONSIBILITIES**

#### **7.1 THE ROLE OF THE HEAD OF SCHOOL**

- 7.1.1 The Head of School will ensure that staff are familiar with this Policy and receive appropriate training in complaint handling and ensure the smooth running of the procedure.
- 7.1.2 The Head of School will assign a senior leader to deal with formal complaints.
- 7.1.3 The Head of School will ensure that the complainant is fully updated at each stage of the procedure.

#### **7.2 THE ROLE OF THE SPRB**

- 7.2.1 The SPRB will monitor complaints (nature and level) to review any improvements to current school processes or systems.

#### **7.3 THE ROLE OF THE EXECUTIVE LEADERSHIP TEAM.**

- 7.3.1 The Executive Leadership Team will convene and chair an Appeal Panel for complaints under Stage 4 of the Policy.
- 7.3.2 The Chair of the Appeal Panel will ensure that the hearing is conducted in a manner with all parties treated with respect and courtesy.
- 7.3.3 The Chair of the Appeal Panel will ensure that at least one member of the Appeal Committee is independent from the School.

#### **7.4 THE ROLE OF THE EMPLOYEE/OTHER STAFF**

- 7.4.1 All staff should deal with complaints, queries or concerns from parents in a professional manner and in line with the timescales of this Policy.
- 7.4.2 All staff will seek to resolve the complaint at the earliest possible stage.
- 7.4.3 The senior leader appointed to investigate a complaint will provide a comprehensive, transparent and fair consideration of the complaint.
- 7.4.4 The investigator will hold professional interviews, keep accurate records, and keep an open mind when analysing information and responding to the complainant.
- 7.4.5 The Complaints Co-ordinator will keep a complaints log to record formal complaints kept confidentially.
- 7.4.6 The Complaints Co-Ordinator will communicate information to all parties at Stage 4 of the process.

## 8. Monitoring and evaluation

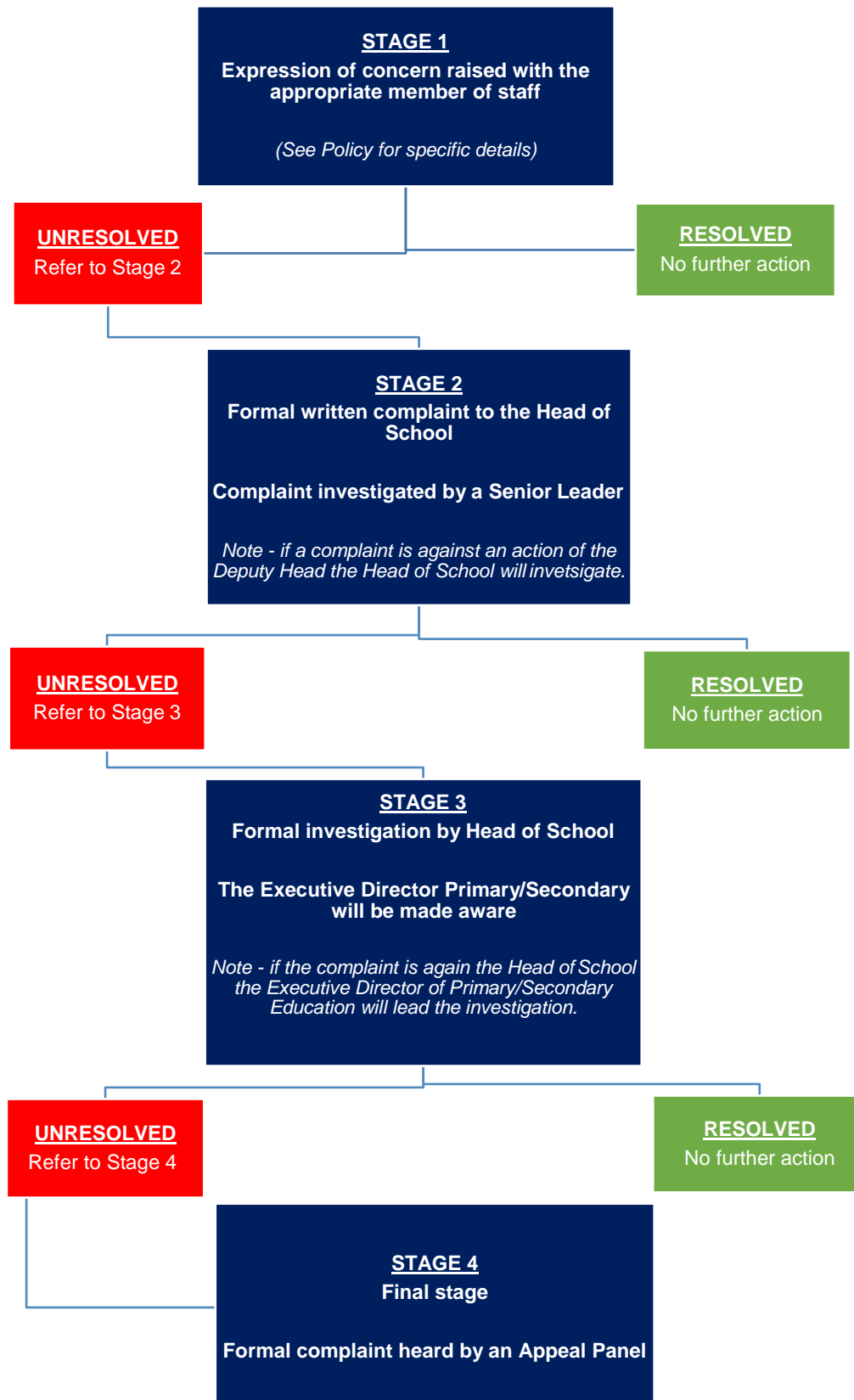
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### **8.0 MONITORING AND EVALUATION**

- 8.01 The SPRB will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole SPRB will not name individuals.
- 8.02 As well as addressing an individual's complaint, the process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard, the School may identify underlying issues that need to be addressed. The monitoring and review of complaints by the School and the SPRB can be a useful tool in evaluating the School's performance.

# Appendix 1

## APPENDIX 1 – FLOWCHART DETAILING THE PROCEDURE FOR HANDLING CONCERNS AND COMPLAINTS



## Appendix 2

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### APPENDIX 2 – PROCEDURE AT STAGE 2

1. The Complaints Co-ordinator acknowledges the complaint orally, or in writing, within three school days of receiving confirmation that the complaint is now to be dealt with at Stage 2. The acknowledgement will confirm which Deputy Head of School (or senior leader) the Head of School has delegated to investigate the complaint. The complainant will be provided with a copy of the Complaints Policy and a target date for providing a response to the complaint. This should normally be within 10 school days; if this proves impossible, the complainant will be contacted by the Complaints Co-ordinator who will offer an explanation for the delay and give a revised date for a response.
2. The appointed senior leader will contact the complainant either verbally or in writing to provide an opportunity for the complainant to meet him/her to supplement information provided previously. It is made clear to the complainant that if s/he wishes, s/he may be accompanied to any meeting by a friend, relative, representative, or advocate who can speak on his/her behalf; and that interpreting facilities are available if needed.
3. If necessary, the senior leader should interview witnesses and take statements from those involved. If the complaint centres on a pupil/student, the pupil/student should also be interviewed. Pupils/students would normally be interviewed with parents/carers present. In some situations circumstances may prevent this e.g. where this would seriously delay the investigation of a serious/urgent complaint or where particular circumstances mean that a pupil/student has specifically said s/he would prefer that parent/guardians were not involved. In such circumstances another member of staff with whom the pupil/student feels comfortable may be asked to attend. If a member of staff is complained against, the needs of that person should be borne in mind.
4. The senior leader keeps written records of meetings, telephone conversations, and other documentation. Once all the relevant facts have been established, they will produce a written response to the complainant to discuss/resolve the matter. This may be by letter or email.
5. A written response includes a full explanation of the decision and the reasons for it. Where appropriate, this includes what action the school will take to resolve the complaint. The complainant is advised that should s/he wish to take the complaint further s/he should notify the Head of School within two school calendar weeks of receiving the outcome letter.

## Appendix 3

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### APPENDIX 3 – PROCEDURE AT STAGE 3

Upon receipt of a written request by the complainant for the complaint to proceed to Stage 3, the procedures outlined below should be followed:

1. The Complaints Co-ordinator should write to the complainant within three school days to acknowledge receipt of the written request. It will also advise on the likely timescale of the Head of School's response to the complainant (normally 10 days).
2. The Complaints Co-ordinator will arrange a meeting (verbally or in writing) with the complainant.
3. In preparation for the meeting the Head of School will look at all the findings from Stage 2 and will evaluate as to whether a thorough investigation has been conducted.
4. They may wish to investigate certain areas of the complaint and gather further evidence.
5. In the meeting with the complainant the Head of School will establish; what outcome they wish to achieve, why they were not happy with the outcome at Stage 2 and take any additional evidence that may be available.
6. The Head of School will keep written records of meetings, telephone conversations, and other documentation. Once all the relevant facts have been established, the Head of School should then produce a written response to the complainant to discuss/resolve the matter.
7. A written response includes a full explanation of the decision and the reasons for it. Where appropriate, this includes what action the school will take to resolve the complaint. The complainant is advised that should s/he wish to take the complaint further s/he should notify the Executive Director Primary/Secondary (via the Complaints Co-ordinator) within two calendar weeks of receiving the outcome letter.

## Appendix 4

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### APPENDIX 4 – PROCEDURE AT STAGE 4

Upon receipt of a written request by the complainant for the complaint to proceed to Stage 4, the procedures outlined below should be followed:

1. The Complaints Co-ordinator should write to the complainant within three school days to acknowledge receipt of the written request. The acknowledgement should inform the complainant that the complaint is to be heard, within 20 school days of receiving the complaint. The letter should also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received in time for the documents to be sent to the three members of the panel.
2. The Complaints Co-ordinator will arrange to convene an Appeal Panel. The panel members should include two of the following: CEO/Executive Director/Director and one independent panel member, this could be a Trustee or another Head of School. All panel members should have had no prior involvement with the complaint. The most senior postholder should chair the panel. It is not appropriate for the Head of School to have a place on the panel. The panel will also be sensitive to equality issues.
3. The Chair of the panel will ensure that the complaint is heard by the panel within 20 school days of receiving the letter. All relevant correspondence regarding the complaint should be given to each panel member when the composition of the panel is confirmed.
4. The Chair of the panel will write and inform the complainant, Head of School, any relevant witnesses and members of the panel at least five school days in advance, of the date, time and place of the meeting. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/advocate/interpreter. The letter will also explain how the meeting will be conducted.
5. The Chair of the panel should invite the Head of School (or other senior leader who responded to the complaint at Stage 2), to attend the panel meeting and prepare a written report for the panel in response to the complaint. The senior leader may also invite members of staff directly involved in matters raised by the complainant to respond in writing, or in person, to the complaint. Any relevant documents including the Head of School's report should be received by all concerned, including the complainant, at least five school days prior to the meeting.
6. The involvement of staff other than the Head of School is subject to the discretion of the Chair of the panel.
7. It is the responsibility of the Clerk to the panel, usually the Head of School's PA or appropriate Office Manager, to ensure that the meeting is properly recorded.
8. The aim of the meeting should be to resolve the complaint and achieve reconciliation between the School and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations which will satisfy the complainant that his or her complaint has at least been taken seriously.
9. The panel should remember that many complainants, particularly parents/carers are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the panel.

## Appendix 4

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10. If either party wishes to introduce previously undisclosed evidence or witnesses this should be given to the Complaints Co-ordinator at least 3 days prior to the appeal. If information is disclosed on the day of the appeal it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.
11. The meeting should allow for:
- the complainant to explain their complaint
  - the panel to question the complainant
  - the Head of School to explain the School's response
  - the panel to question the Head of School and/or other members of staff about the School's response
- } At this stage it is generally more acceptable to see the Head of School and complainant separately
- any party to have the right to call witnesses (subject to the approval of the Chair)
  - final statements by both the complainant and the Head of School.
12. The Chair of the panel will explain to all concerned that the panel will now consider its decision, and a written decision will be sent to both parties within 15 school days.
13. The panel will then consider the complaint and all the evidence presented and:
- (a) reach a unanimous, or at least a majority, decision on the complaint; and
  - (b) decide upon the appropriate action to be taken to resolve the complaint; and
  - (c) where appropriate, suggest recommended changes to the School's systems or procedures to ensure that problems of a similar nature do not happen again.
  - (d) determine findings and recommendations which will be shared with the complainant and where relevant the person the complaint is about.
14. The written statement outlining the decision of the panel must be sent to the complainant and Head of School. The letter to the complainant should explain whether a further external appeal can be made, and if so, to whom.
15. The School should ensure that a copy of all correspondence and notes 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. These records should be kept separately from the child's personal records if applicable.



## Appendix 5

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### APPENDIX 5 – EXCEPTIONS TO POLICY

This Complaints Policy covers all complaints about any provision of facilities or services that the School provides with the exceptions listed below, for which there are separate (statutory) procedures.

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs (SEN)</li> <li>• School re-organisation proposals</li> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Concerns should be raised directly with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the School or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.</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/schooldiscipline-exclusions/exclusions">www.gov.uk/schooldiscipline-exclusions/exclusions</a></p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>There is a whistleblowing procedure for employees and volunteers. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at:  <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a></p>
<ul style="list-style-type: none"> <li>• Staff grievances and disciplinary procedures</li> </ul>	<p>These matters will be dealt with under the Trust's employment policies.</p>
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities.</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about services. They should be contacted direct.</p>