The Policy and Procedures for the Handling of Complaints at Penwortham Priory Academy

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Trustee review copy: substantive amendments are highlighted in yellow. The changes clarify Stage 1 informal resolution and the point at which Stage 2 formally commences.

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We care about what you think

The Policy of this School is to work in partnership with parents/carers and the wider community. Therefore any person, including members of the public, can make a complaint. We try hard to do our best for all our pupils/students. Your views help us plan for the future. We like to know when things are going well. We also want parents/carers to tell us about their worries, concerns or complaints as soon as possible. It is much easier for the school to sort out a recent problem than something that happened some time ago. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

Our commitment to you

- We will deal with your concern or complaint in a professional manner.
- It will be looked into thoroughly, fairly and as quickly as possible.
- We will keep you up-to-date with what we are doing.
- We will apologise if the school has made a mistake.
- We will tell you what we are going to do to put things right.

The difference between a concern and a complaint

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

A complaint may be defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved through direct conversation, without the need to use the formal stages of the complaints procedure. Penwortham Priory Academy takes concerns seriously and will make every effort to resolve matters as quickly and constructively as possible.

Complainants should not approach individual Trustees to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at the Review Stage of the procedure.

Try to go to the member of staff involved or your child's form tutor or head of year who will either deal with your issue or pass you on to someone who is more able to help.

Please remember that the beginning or end of the school day can be a very busy time. If you talk to a teacher at these times, for practical reasons, it may not be possible to sort things out there and then. Be prepared for them to make an appointment to see you/to ring you at a more convenient time.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Principal will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Principal will refer you to another staff member. The member of staff may be more senior but does not

have to be. The ability to consider the concern objectively and impartially is more important. We understand, however, that there are occasions when people wish to raise their concerns in writing. Receiving a concern or complaint in writing does not, by itself, mean that it will automatically enter the formal stage. Unless the nature or circumstances of the matter make this inappropriate, Penwortham Priory Academy will first seek to resolve it through Stage 1 of this procedure.

In considering concerns or complaints, the School will ensure that they are dealt with effectively and with fairness to all parties. Where possible, complaints will be resolved informally.

Note:

- Serious complaints or allegations relating to the abuse of children, assault, criminal or financial matters also subject to separate procedures, see 'Scope of this complaints procedure'.
- For complaints regarding Trustees, the school will follow this Policy to resolve the issue.

How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone. It may also be made by a third party acting on behalf of a complainant, provided they have appropriate consent to do so. However a concern or complaint is first received, the school will normally seek direct contact with the complainant as part of Stage 1 before considering progression to Stage 2.

Complaints against school staff (except the Principal) should be made in the first instance, to Mr Matthew Eastham, Principal via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the Principal should be addressed to Dr Phil Range, Chair of Trustees, via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of Trustees, any individual Trustee or the whole Trustee body should be addressed to Mrs Sue Spencer, Clerk to the Trustee Body, via the school office. Please mark them as Private and Confidential.

You can ask a third-party organisation for example the Citizens Advice to help you with your complaint if required.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Anonymous complaints

We will not normally investigate anonymous complaints. However, the Principal or Chair of Trustees, if appropriate, will determine whether the complaint warrants an investigation.

Time scales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

Complaints received in the lead up to or outside of term time

We will consider complaints made in the final week of a half term or term, or made outside of term time to have been received on the first school day after the holiday period. This allows time for an appropriate response to be sent and the complaint to be addressed when the school is in session.

Scope of this complaints procedure

This procedure covers all complaints about any provision of community facilities or services by Penwortham Priory Academy, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
• Admissions to schools	Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.
• Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).
• Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions. **complaints about the application of the behaviour policy can be made through the school's complaints procedure which can be found on Every.*
• Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus. Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.
• Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.

• Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, we will inform you of a proposed new timescale.

If a complainant commences legal action against Penwortham Priory Academy in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

Unreasonable Complaints

There is a right to raise a complaint against a school and an expectation that the individual will exhaust the School's procedures. If the individual contacts the school again with the same issue, this could be seen as unreasonable and the school may choose not to respond.

The school should seek advice from Trustee Services and their Legal Adviser, prior to taking the decision not to progress the complaint further. The school should not stop responding to a complaint because an individual is viewed as difficult to deal with or asks complex questions. The school may refuse to respond to the subject matter but not the correspondent.
The DfE provide additional guidance in 'Best Practice Guidance for School Complaints Procedures'.
See: Best practice guidance for school complaints procedures 2020 - GOV.UK (www.gov.uk)

Resolving complaints

At each stage in the procedure, Penwortham Priory Academy wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

Withdrawal of a complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

Stage 1 – Informal resolution

It is hoped that most concerns and complaints can be resolved quickly and constructively through direct discussion. Concerns should normally be raised with the relevant class teacher, Head of Year, subject leader or the Principal. Complainants should not approach individual Trustees, as Trustees have no power to act on an individual basis and prior involvement may prevent them from considering the matter at Stage 3.

However a concern or complaint is first received, including where it has already been submitted by email or letter, the school will normally begin Stage 1 by telephoning the complainant. The purpose of the call is to clarify the concerns raised, understand the outcome being sought and establish whether the matter can be resolved promptly without the need for a formal investigation and detailed written response.
Where the matter is resolved through the initial telephone conversation, no meeting will be necessary. The school may provide a brief written confirmation of any agreed outcome or action, where appropriate.

Where the matter is not resolved through the initial telephone conversation, or where further discussion would be helpful, the complainant will normally be invited to a face-to-face meeting with the appropriate member of staff. An online meeting or further telephone discussion may be offered where this is more suitable. The initial telephone conversation and any subsequent meeting together form Stage 1 of this procedure.

The fact that a concern or complaint has been put in writing does not, by itself, mean that it will automatically proceed to Stage 2. The school may move directly to Stage 2 where the seriousness, sensitivity or particular circumstances of the complaint make informal resolution inappropriate. The school will also consider reasonable adjustments and alternative communication arrangements where required.

The school will aim to make initial contact within 5 school days of receiving the concern or complaint and to conclude Stage 1 within 20 school days. If more time is required, the school will explain the reason and provide a revised timescale.

If the matter remains unresolved at the end of Stage 1, the complainant may request that it progresses to Stage 2. Where the complaint has not already been set out clearly in writing, the school will ask the complainant to do so. Stage 2 will commence when the school receives, or confirms with the complainant, a clear written statement of the matters that remain unresolved and the outcome sought.

If the school does not hear from the complainant within 20 school days of being invited to confirm that they wish to progress to Stage 2, it will assume that they do not wish to take the matter further and the complaint will be closed.

For concerns regarding the Principal, the complaint should be placed in a sealed envelope marked 'Private and Confidential' and addressed to the Chair of Trustees via the school. Under data protection legislation, the school is not permitted to provide the Chair's personal contact details, but will forward the correspondence as soon as possible. The same Stage 1 principles will apply unless the nature or circumstances of the complaint make informal

resolution inappropriate.

Stage 2 – Formal complaints

A request to progress to Stage 2 must be made to the Principal, unless the complaint is about the Principal, via the school office. The request must identify the matters that remain unresolved following Stage 1 and the outcome the complainant is seeking. It may be submitted in writing or recorded in writing by the school following discussion with the complainant.

The Principal will record the date on which Stage 2 commences and will acknowledge this in writing, either by letter or email, within 5 school days.

Within this response, the Principal will confirm the matters to be investigated, what remains unresolved and the outcome sought. A further meeting may be arranged where this would assist the formal investigation.

Note: The Principal may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

During the investigation, the Principal (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of the investigation, the Principal will provide a formal written response within 20 school days of the date on which Stage 2 commenced.

If the Principal is unable to meet this deadline, they will provide the complainant with an update and revised response date.

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 Penwortham Priory Academy will take to resolve the complaint.

The Principal will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about the Principal, or a member of the Trustee body (including the Chair or Vice-Chair), a suitably skilled Trustee will be appointed to complete all the actions at Stage 2.

Complaints about the Principal or member of the Trustee body must be made to the Clerk, via the school office.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Trustee body or
- the majority of the Trustee body

Stage 2 will be considered by an independent investigator appointed by the Trustee body. At the conclusion of their investigation, the independent investigator will provide a formal written response.

Should the Complaint Remain Unresolved

- When a complaint remains unresolved, the complainant can request a review by the Complaints Review Committee to be arranged. This request must be received by the Clerk to the Trustee board within 20 school days of the notification from the Principal/Chair of Trustees. The request must be in writing, set out the grounds as to which matters remain unresolved and include any relevant documentation.

Note: If the Clerk to the Review Committee does not hear from the complainant within 20 school days of the notification of the outcome of the investigation, the complaint will be closed.

- The Principal/Chair of Trustees should make a record in the Complaints Register* of the complaint and its outcome. This record may need to be updated by the Chair of the Review Committee in due course. The Complaints Register should be available for Ofsted Inspection purposes.

*** Note:** This is a requirement for Academies.

Stage 3 – Panel Hearing

In very exceptional circumstances where the complaint has not been resolved by the Principal/Chair of Trustees, the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint with one panel member who is independent of the management and running of the school. This is the final stage of the complaints procedure.

A request to escalate to Stage 3 must be made to the Clerk, via the school office, within 10 school days of receipt of the Stage 2 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 10 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 20 school days of receipt of the Stage 3 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.

If the complaint is:

- jointly about the Chair and Vice Chair or

- the entire Trustee body or

- the majority of the Trustee body

Stage 3 will be heard by a completely independent committee panel.

The Committee will:
- Consist of 3 Trustees who have no prior knowledge of the complaint.
- With the Clerk, prepare an Agenda and invite the Principal and/or Chair of Trustees, (as appropriate) and the complainant to the meeting.

Note: It is the responsibility of the Principal/Chair of Trustees and the complainant to secure their own witnesses and neither party can dictate who the other party brings.

- Consider the written materials;
- Consider the complaint and the Principal's (or Chair of Trustee's) action.
- Seek advice and support as necessary.
- Consider the oral evidence provided at the meeting.

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 school 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 (Human Resources) staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend.

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 10 school days before the meeting.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee 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 committee will consider the complaint and all the evidence presented. The committee 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 committee 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 Committee will provide the complainant and Penwortham Priory Academy 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 Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by Penwortham Priory Academy.

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 Penwortham Priory Academy will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the Principal.

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, along with what actions have been taken, regardless of the decision.

All 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 109 of the 2008 Act requests access to them.

Social media

Whilst the school accepts that complainants have a right to an opinion and make it public through the use of social media, complainants are reminded that they are not entitled to use social media to defame or harass individual staff or Trustees.

Calculation of time

All references in this Policy to 'days' should be taken to mean school days and therefore will not include weekends, school holidays or INSET days.

Next steps

If the complainant believes the school 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 3.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by Penwortham Priory Academy. They will consider whether Penwortham Priory Academy has 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:
Academy Complaints and Customer Insight Unit
Education and Skills Funding Agency
Cheylesmore House
5 Quinton Road
Coventry
CV1 2WT