




PHMAT COMPLAINTS POLICY

Document Control Table

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1. Aims

Our school/Trust aims to meet its statutory obligations when responding to complaints from parents/carers of pupils at the school, and others.

When responding to complaints, we 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 complainants' desire for confidentiality
- Treat complainants with respect and courtesy
- Make sure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed. The school/Trust will aim to give the complainant the opportunity to complete the complaints procedure in full. To support this, we will make sure we publicise the existence of this policy and make it available on the school/Trust website.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

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 of pupils at the school.

It is also based on best practice guidance for academies complaints procedures published by the DfE.

3. Scope

This policy does **not** cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Suspension and permanent exclusion
- Whistleblowing
- Staff grievances
- Staff discipline

Withdrawal from the curriculum (parents and carers can withdraw their child from any aspect of religious education, including the daily act of collective worship. They do not have to explain why). Please see our separate policies for procedures relating to these types of complaint.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

4. Roles and Responsibilities

The Complainant

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Co-operate with the school throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed
- Treat all those involved with respect
- Do not approach individual Governors about the complaint
- Do not publish details about the complaint on social media

The Investigator

An individual will be appointed to look into the complaint and establish the facts. They will:

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

The Complaints Co-ordinator

The complaints co-ordinator can be:

- The Headteacher
- The designated complaints Governor
- Any other staff member providing administrative support

The complaints co-ordinator will:

- Keep the complainant up to date at each stage in the procedure
- Make sure the process runs smoothly by liaising with staff members, the Headteacher, Chair of Governors, and clerk
- Be aware of issues relating to:
 - Sharing third-party information

- Additional support needed by complainants; for example, interpretation support or where the complainant is a child or young person

➤ Keep records

Clerk to the Governing Board

The clerk will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

Committee Chair

The committee Chair will:

- Chair the 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, we will try to clarify:

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

At each stage, the person investigating the complaint will make sure they:

- establish what has happened so far, and who has been involved,
- clarifies the nature of the complaint and what remains unresolved,
- meets with the complainant or contacts them (if unsure or further information is required),
- clarifies what the complainant feels would put things right,
- interviews those involved in the matter and/or those complained of, allowing them to be accompanied if they wish,
- conducts the interview with an open mind and is prepared to persist in the questioning,
- keeps notes of the interview.

Timescales

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this timeframe in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made outside of term time, we will consider them to have been received on the first school day after the holiday period.

If at any point we cannot meet the timescales we have set out in this policy, we will:

- Set new time limits with the complainant.
- Send the complainant details of the new deadline and explain the delay.

5.2 Complaints about Fulfilment of Early Years Requirements

We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage (EYFS) requirements and notify the complainant of the outcome within 28 school days of receiving the complaint. The school will keep a record of the complaint (see section 10) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by:

- Calling 0300 123 4666
- Emailing enquiries@ofsted.gov.uk
- Using the online contact form available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>

We will notify parents and carers if we become aware that the school is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

6. Stages of Complaint (Not including complaints made against the Head or a Governor/Trustee)

We have adopted a 3-stage process for dealing with complaints:

- **Stage 1 – Informal Resolution**
- **Stage 2 – Formal Investigation**
- **Stage 3 – Review Panel**

Stage 1: Informal

It is important to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

The policy formalises the complaints procedure for our Trust, however the underlying principle is that concerns should be handled, if at all possible, without the need for formal procedures. The

requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher or the individual delivering the service in the case of extended Academy provision, will receive the first approach. This person is expected to use their discretion to determine whether the official complaints procedure should be initiated or whether the complaint can be dealt with informally.

Informal concerns:

- If a parent has a concern in the first instance it must be raised with the class teacher. If it is not resolved, then it should be raised with the phase leader.
- Phase leader will organise a meeting and investigate the concerns.
- If the parent remains dissatisfied and feels the concern has not been addressed, they can submit a formal complaint.

Our school/Trust will take informal complaints seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible within the timescales set out in this policy.

The complaint should be addressed to the relevant member of school staff or the Headteacher, by letter or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office (contact details for the Trust/schools can be found on their websites).

The school will acknowledge informal complaints within 3 school days, which will confirm how the school intends to proceed, including an indication of the anticipated timescale.

The informal stage will involve a meeting between the complainant and the relevant staff member/Headteacher and/or the subject of the complaint, if appropriate. A written response will be provided by the school within 15 school days following the informal meeting.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

Stage 2: Formal

The formal stage involves the complainant putting the complaint to the Headteacher and/or the subject of the complaint:

- In a letter or email (this is preferred)
- in writing through a third party acting on their behalf

The complainant should complete a complaints form (Appendix 1), providing 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 and submit this form to the school office.

If complainants need assistance raising a formal complaint, they can contact the school office.

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

The Head (or other person appointed by the Headteacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 20 school days.

If no further communication is received from the complainant within 5 school days, it is deemed that the complaint has been resolved and should end.

How to Escalate a Complaint

If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the governing board in writing within 5 school days.

Complaints can be escalated by contacting the clerk to the governing board or the Trust CEO:

- By letter or email

- In writing through a third party acting on behalf of the complainant

The clerk will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

The clerk will acknowledge receipt of the request within 5 school days. This letter should explain that the complainant has the right to submit any further documents relevant to the complaint.

These must be received within 10 school days of the date of the hearing to allow adequate time for the documents to be circulated.

Stage 3: Review Panel

Convening the panel

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal stage.

The panel will be appointed by, or on behalf of, the proprietor and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the LGB / management and running of the school. The panel cannot be made up solely of local governing board members, as they are not independent of the management and running of the school. A Trustee would not count as they have oversight of, and ultimate responsibility for that school.

The panel will have access to the existing record of the complaint's progress.

The complainant must have reasonable notice of the date of the review panel. The clerk will aim to find a date within 20 school days of receiving the request, where possible.

If the complainant rejects the offer of 2 proposed dates without good reason, the clerk will set a date. The hearing will go ahead using written submissions from both parties.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting.

The board will ensure that the hearing is properly minuted.

The Remit of the Appeal 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 and recommendation of any changes to systems or procedures.

At the Meeting

The Clerk to the Governors will write and inform the complainant and any witnesses, the panel etc. of the date and location of the meeting 5 school days in advance. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/ interpreter. The letter should explain how the meeting will be conducted and the complainant's right to submit further written evidence to the panel. The Head has the right to bring representation if so desired.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless required as part of reasonable adjustments. Prior knowledge and consent of all parties attending will be sought before meetings or conversations take place.

Consent will be recorded in any minutes taken.

At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish. We don't encourage either party to bring legal representation but will consider it on a case-by-case basis. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by their union.

Representatives from the media are not permitted to attend.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

There are several points which any Governor sitting on a complaints panel needs to remember:

- It is important that the appeal hearing is independent and impartial and that it is seen to be so. No Governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it must be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel Chair will ensure that the proceedings are as welcoming as possible.

Intervention of parallel investigations relevant to the complaint by the Police or social services may cause variation to these time scales. Any such variation will be notified to the complainant.

The panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave, and evidence will then be considered.

Meeting Conduct

- a) The Chair of the panel will welcome the complainant, introduce the panel members and explain the procedure.
- b) The Chair of the panel will invite the complainant to explain the complaint.
- c) The Committee members may question the complainant about the complaint and the reasons why it has been made.
- d) The Head will be invited by the Chair of the panel to question the complainant about the complaint and why it has been made.
- e) The Chair of the panel will invite the Head to make a statement in response to the complaint. At the discretion of the Chair of the panel the Head may invite members of staff directly involved in the complaint to supplement his/her response.
- f) The Committee members may question the Head and/or members of staff about the response to the complaint.
- g) The Chair of the panel will allow the complainant to question the Head and/or members of staff about the response to the complaint.
- h) Any party has the right to call witnesses, subject to the approval of the Chair of the Committee.
- i) The Committee, the Head and the complainant have the right to question any such witness.
- j) The Head will be invited by the Chair of the panel to make a final statement.
- k) The complainant will be invited by the Chair of the panel to make a final

statement.

- l) The Chair of the panel will explain to the complainant and the Head that the decision of the panel will now be considered, and a written decision will be sent to both parties within 15 school working days. The Chair of the panel will then ask all parties to leave except for members of the Committee.
- m) The Committee will then consider the complaint, and all the evidence presented and;
- n) Reach a decision on the complaint and the reasons for it.
- o) Decide upon the appropriate action to be taken to resolve the complaint.
- p) The Governors sitting on the panel need to be aware of the complaint's procedure before the meeting.

The panel will then put together its findings and recommendations from the case and provide a written response to the complainant.

The Outcome

The committee can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part

If the complaint is upheld, the committee will:

- Decide the appropriate action to resolve the complaint
- Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

The school will inform those involved of the decision in writing within 15 school days.

This would be a final outcome without the right to appeal.

7. Complaints Made Against the Headteacher, a Governor/Trustee or the Governing Board

Stage 1: Informal

Complaints made against the Headteacher or any individual member of the governing board (including the Chair or vice-Chair) should be directed to the clerk of the governing board in the first instance.

A suitably skilled and impartial Governor will then carry out the steps at stage 1 set out in section 6 above.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

Complaints about the whole governing board will be resolved at stage 2 below.

How to Escalate a Complaint

Complaints can be escalated by contacting the clerk to the governing board:

- By letter or email
- In writing through a third party acting on behalf of the complainant

The clerk will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

Stage 2: Formal

Complaints that involve or are about the Headteacher should be addressed to the Chair of Governors, via the school office, marked as private and confidential.

Complaints about the Chair of Governors, any individual Governor or the whole governing body should be addressed to the clerk to the governing board via the school office, marked as private and confidential.

Formal complaints can be raised:

- By letter or email
- By a third party acting on behalf of the complainant in writing

If the complaint is about the Headteacher or an individual Governor, a suitably skilled and impartial Governor will then carry out the steps at stage 2 set out in section 6 above.

If the complaint is:

- Jointly about the Chair and vice-Chair or
- The entire governing board or
- The majority of the governing board

An independent investigator will carry out the steps in stage 2 set out in section 6 above. They will be appointed by the governing board and will write a formal response at the end of their investigation.

The written conclusion of this investigation will be sent to the complainant within 15 school days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the governing board in writing within 5 school days. Requests received outside of this timeframe will be considered in exceptional circumstances.

The clerk will acknowledge receipt of the request within 5 school days.

Stage 3: Review Panel

If the complaint is about the Headteacher or an individual Governor, the steps outlined in stage 3 of section 6 above will be followed.

If the complaint is:

- Jointly about the Chair and vice-Chair or
- The entire governing board, or
- The majority of the governing board

A committee of independent Governors will hear the complaint. They will be sourced from local schools or the local authority and will carry out the steps at stage 3 (set out in section 6 above).

8. Referring Complaints on Completion of the Trust Procedure

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the DFE. The DFE will check whether the complaint has been dealt with properly by the school. The DFE will not overturn a school's decision about a complaint, but will intervene if a school has:

- Breached a clause in its funding agreement
- Failed to act in line with its duties under education law
- Acted (or is proposing to act) unreasonably when exercising its functions

If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

www.gov.uk/complain-about-school

We will include this information in the outcome letter to complainants.

9. Concerns or Complaints From Other Persons

Part 1 of this complaints policy applies only to complaints made by parents/carers of current registered pupils of the Trust. However, the Trust wishes to work closely with other members of the local community and will deal with their concerns and complaints accordingly.

10. Unreasonable and Persistent Complaints

Unreasonable Complaints

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

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- Refuses to co-operate with the complaint's investigation process.
- Refuses to accept that certain issues are not within the scope of the complaint's procedure.
- Insists on the complaint being dealt with in ways which are incompatible with the complaint's procedure or with good practice.
- Introduces trivial or irrelevant information which they expect to be taken into account and commented on.
- Raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales.
- Makes unjustified complaints about staff who are trying to deal with the issues and seeks to have them replaced.
- Changes the basis of the complaint as the investigation proceeds.
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed).
- Refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed, including referral to the DFE.
- Seeks an unrealistic outcome.
- Makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.
- Uses threats to intimidate.
- Uses abusive, offensive or discriminatory language or violence.
- Knowingly provides falsified information.
- Publishes unacceptable information on social media or other public forums.

Please note: the above list is not intended to be exhaustive and is for guidance purposes only. It is at the discretion of the Trust what is deemed to be unreasonable.

Complainants should try to limit their communication with the school while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Steps We Will Take

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

Whenever possible, the headteacher or chair of governors will discuss any concerns with the complainant informally before applying an ‘unreasonable’ marking. If the behaviour continues, the headteacher will write to the complainant explaining that their behaviour is unreasonable, refer them to this policy and remind them to act in accordance with it. For complainants who excessively contact the school causing a significant level of disruption, we may:

- Give the complainant a single point of contact via an email address.
- Limit the number of times the complainant can make contact, such as a fixed number per term.
- Ask the complainant to engage a third party to act on their behalf.
- Put any other strategy in place as necessary.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from school premises and ensuring appropriate measures of support are provided to staff where they are the subject of aggression and/or violence.

Serial/Persistent Complaints

If the complainant contacts the school again on the same issue, the correspondence may then be viewed as ‘serial’ or ‘persistent’. We may stop responding to the complainant when the following conditions are met:

- We have taken every reasonable step to address the complainant’s concerns.
- The complainant has been given a clear statement of our position and their options.
- The complainant contacts the school repeatedly, making substantially the same points each time.

The case to stop responding is stronger if:

- The complainant’s communications are often or always abusive or aggressive.
- The complainant makes insulting personal comments about or threats towards staff.
- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience.

Where we decide to stop responding, we will inform the individual that we intend to do so. We will also explain that we will consider any new complaints they make provided the concerns raised are materially different to those raised previously and/or are unconnected to the previous concern.

Duplicate Complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn’t previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and that the local process is complete.
- Direct them to the DFE if they are dissatisfied with our original handling of the complaint.

If a duplicate complaint is raised which in the view of the school warrants further consideration, the procedure outlined in section 6 or 7 (as appropriate) will be repeated.

Complaint Campaigns

Where the school/Trust receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website.
- Sending a template response to all of the complainants.

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

11. Record Keeping and Confidentiality

The school will record the progress of all complaints, including information about actions taken at all stages, 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 stored securely and will be viewed only by those involved in investigating the complaint or on the review 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 through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and our Trust Data Protection Policy.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point. Where the governing board is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) 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 governing board, who will not unreasonably withhold consent.

12. Learning lessons

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

13. Monitoring arrangements

The Trust Board will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly. The Trust Board track the number and nature of complaints, and review underlying issues as stated in this policy.

The complaints records are logged and managed by the school.

This policy will be reviewed by the Trust Executive Team every year.

At each review, the policy will be approved by the Trust Board.

14. Links with Other Policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Suspension and permanent exclusion policy
- Staff grievance procedures
- Staff disciplinary procedures
- Special educational needs policy and information report
- Privacy notices

15. Equality Impact Assessment

Under the Equality Act 2010 we have a duty not to discriminate against people on the basis of their age, disability, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation. An Equality Impact Assessment is not required on this revised policy as it doesn't have a disproportionate impact on a specific group of people who share a relevant protected characteristic.

Appendix 1

Form to record a formal complaint

Please complete and return to(Chair of Governors) who will acknowledge receipt and explain what action will be taken.

Your name:			
Pupil's name:			
Your relationship to the pupil:			
Address:			
		Postcode:	
Day time telephone number:		Evening telephone number:	
Please give details of your complaint in the box below.			
What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)?			
What actions do you feel might resolve the problem at this stage?			
Are you attaching any paperwork? If so, please give details.			

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Signature:	Date:
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Official use:	
Date acknowledgement sent:	Complaint referred to:
Acknowledgement sent by:	Date: