



Pioneer
Educational Trust

preparing the way for others to follow

COMPLAINTS PROCEDURE

Key document details

Equality Impact Assessment required?	Yes / <u>No</u>
If yes, date of EIA	
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1. Introduction

Part 7 of the Education (Independent School Standards) (England) Regulation requires that a complaints procedure is drawn up and effectively implemented which:

- a) Is in writing
- b) Is made available to parents of pupils
- c) Sets out timescales for the management of the complaint
- d) Has at least three stages
 - Informal (usually a meeting with the complainant)
 - Formal (the complaint is put in writing)
 - A panel hearing stage
- e) Allows for the complainant to attend and be accompanied at a panel hearing if they wish
- f) Provides for a written record to be kept
- g) Provides for the panel to make findings and recommendations

All documentation relating to individual complaints should be retained and kept confidential (except where Ofsted or the Education Secretary requests them. Ofsted inspectors will make a judgment of the complaints procedure statement that Pioneer Educational Trust or any of the schools within issues and information from any upheld complaints about Pioneer Educational Trust or any of the schools within from parents to Ofsted.)

Pioneer Educational Trust is committed to ensuring that the highest standards are maintained both in the provision of education to pupils and in every other aspect of the running of the Trust. A complaint procedure is an important part of the management of a well-run Trust and any schools within allowing parents the opportunity to voice any concerns they may have through appropriate channels, as well as members of the general public. This procedure has been adopted by the Board of Trustees to ensure a systematic and fair approach to the resolution of such concerns.

This procedure is designed to allow parents and carers of registered pupils at any schools within Pioneer a means of making complaints which they can be confident will be addressed properly.

2. Scope

This procedure will be used to deal with any complaints relating to Pioneer, any school within Pioneer and to any community facilities or services that the school provides.

This procedure must not be used to deal with the following, all of which are addressed in separate policies and procedures:

- Staff grievances;
- Internal disciplinary matters relating to staff or pupils, including pupil exclusions (although complaints about the application of the Behaviour Policy can be made through this Complaints Procedure);
- Curriculum complaints;
- Admissions appeals;
- SEN appeals;
- Appeals to the staff dismissal committee;
- Whistleblowing (matters of impropriety e.g. a breach of law, school procedures or ethics);
- Discrimination.

In addition, any complaint relating to a child protection matter will be dealt with in accordance with the MAT's Child Protection/Safeguarding Policy and safeguarding procedures and may be raised with the local authority

safeguarding officer.

Typical matters that might be considered under this procedure may include:

- From parents:
 - To the tutor, key stage team or senior leadership team about suspected bullying;
 - Detention and out-of-school activity arrangements;
 - Complaints about matters such as facilities, lack of supervision etc.;
- From the general public:
 - Local residents complaining about the behaviour of pupils coming to, and going from schools within the MAT;
 - A local trader feeling that the MAT/School should be trading with her or his company;
 - Local community leaders concerned that the MAT/school is not involving itself sufficiently in particular aspects of community life.

3. Objectives

To be effective, the complaints procedure will:

- Encourage resolution of problems by informal means wherever possible;
- Be available on the MAT's and schools' websites;
- Be simple to understand and use;
- Be impartial;
- Be non-adversarial;
- Allow swift handling with established time-limits for action and keeping people informed of the progress;
- Ensure a full and fair investigation by an independent person where necessary;
- Respect people's desire for confidentiality;
- Address all the points at issue and provide an effective response and appropriate redress, where necessary;
- Provide information to the MAT/schools senior leadership teams so that services can be improved.

4. General Principles of complaints

It is important to be clear about the difference between a concern and a complaint. It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Pioneer Educational Trust takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

a) Anonymous complaints

Pioneer Educational Trust will not normally investigate anonymous complaints. However, the CEO will determine whether the complaint warrants an investigation.

b) Complaint received outside of term time

Complaints made outside of term time will be considered to have been received on the first school day after the holiday period.

c) Vexatious complaints

There may be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the

procedure for dealing with persistent or vexatious complaints/harassment will be enacted (see separate procedure for dealing with persistent or vexatious complaints/harassment).

d) Time limits

Complaints need to be considered, and resolved, as quickly and efficiently as possible, usually within 15 working days of receipt. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

5. Stages in the procedure

At Pioneer Educational Trust, the CEO/Head Teacher/Head have overall responsibility for the management and operation of the complaints procedure.

In general, any written complaint should be addressed to the relevant executive leader or head (CEO/Head Teacher/Head) although it is expected that attempts will be made to resolve difficulties informally with the class teacher/form tutor/key stage team/head of department before being referred to the CEO/Head Teacher/Head. The informal stage of the procedure should be exhausted before the matter is referred to the formal stage and a complaint form (see annex A) is completed. If any substantial complaint is made to a member of staff it should be referred to her or his line manager or the CEO/Head Teacher/Head, as appropriate, if it cannot be resolved immediately by the member of staff to the satisfaction of the parent.

A complaint may result in disciplinary action by the MAT against a member of staff. In this situation, any such action would be confidential between that member of staff and the MAT. Otherwise parents should be kept fully informed of the handling of any complaint. Any complaint will be kept confidential unless it is necessary to involve other parties and will be dealt with as quickly as possible.

At the formal stage, the person investigating the complaint will:

- Establish what has happened so far and who has been involved
- Clarify the nature of the complaint and what remains unresolved
- Meet with the complainant or contact them further (if unsure or further information is necessary)
- Clarify what the complainant feels would put things right
- Interview those involved in the matter and/or those complained of
- Conduct the interview with an open mind and be prepared to persist in the questioning
- Keep notes of the interview

At each stage in the procedure, Pioneer Educational Trust will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review MAT / school policies in light of the complaint.

We encourage complainants to state what actions they feel might resolve the problem at any stage. An admission that the MAT/school could have handled the situation better is not the same as an admission of negligence.

At all times we seek to identify areas of agreement between the parties and clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

5.1 Stage One: Informal - Complaint heard by Staff Member

In this stage, the class teacher/form tutor/key stage team/head of department (but not the subject of the complaint or a trustee/governor) will deal with the complaint. Most parents' concerns can be adequately resolved by discussion with the class teacher/form tutor/key stage team/head of department or with other members of staff. There may be no need for the complaint to be put in writing, which would formalise matters and may lead parents to feel less prepared to articulate concerns, perhaps because of a fear that such action may prejudice the interests of their child. The complaint should be resolved within 5 school days. However, if the complainant wishes to take the matter further, they are requested to complete the complaints form and return it to the school within 5 school days. The CEO/Head Teacher/Head of School is informed and Stage 2 is implemented.

5.2 Stage Two: Formal - Complaint heard by CEO/Head Teacher/Head of School or member of the Senior Leadership Team

If the concern is not met to the complainants' satisfaction by discussion, then:

- The complainant puts the complaint in writing using the complaints form in annex A. Where a complaint is against the Head Teacher/Head of School, it should be addressed to the CEO and where it is against the CEO, it should be addressed to the Clerk to the Board of Trustees;
- The initial recipient of the complaint should refer the matter to the CEO/Head Teacher/Head or to a designated member of the Senior Leadership Team or Chair of the Trust, as appropriate who will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email). The CEO/Head Teacher/Head will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to achieve;
- The CEO/Head Teacher/Head, or a designated member of the Senior Leadership Team, will investigate the circumstances of the complaint and may find it appropriate to ask for written statements from staff or pupils and to call for any relevant documentation;
- Where the CEO is the subject of the complaint, the Chair of the Trust will investigate the circumstances of the complaint. In this case, any reference to CEO/Head teacher/Head should be replaced by Chair of the Trust.
- Where a complaint is against a trustee/governor or where the CEO has been involved in the issue previously, then the matter will be referred to a member of the Board of Trustees/Educational Standards Board not previously involved;
- Pioneer Educational Trust reserves the right to refer the matter to an external body where appropriate;
- If the complaint is against a member of staff, that member of staff has a right to be given details of the complaint and the opportunity to make representation about it. The person investigating the incident will take these details into account;
- Following an investigation, the CEO/Head Teacher/Head/Chair of the Trust will decide what action is required and respond to the complainant with the outcome of the investigation, normally within 15 school days of receipt of the substance of the complaint. The response may be in writing or at a meeting with the complainant followed by written confirmation of the outcome.

The complainant will be informed of their right to have the matter referred to the Trustee/Governors' complaints panel if the outcome of stage 2 is not considered satisfactory. The timeframe in which any appeal must be lodged in writing is 5 school days. Any such request by a complainant should be addressed to the clerk to the Board of Trustees and the Trustee/Governors' complaints panel will be convened. This request must be made in writing stating the reasons why the complainant remains dissatisfied.

5.3 Stage Three: Hearing - Complaint heard by Trustee/Governor Complaints Panel

When the Clerk to the Board of Trustees receives the request for the Trustee/Governors' complaints panel to meet:

- A Trustee/Governors' complaints panel will be assembled comprising three members. It should consist of the CEO, one Trustee/Governor (who are not Staff Governors and, ideally, not Parent Trustees/Governors and who have not previously been involved in the case) and one member who is independent of the management and running of the school or central function; if needed, someone from an Education Standards Board (ESB) within the MAT who has no conflict of interest or prior knowledge of the complaint may be the independent panel member. If the CEO is not suitable to be on the panel either because they have been previously involved e.g. at Stages 1 and 2 of the procedure, or could not be seen as being impartial, or for any other valid reason, another Trustee/Governor should replace them on the panel;
- The Board of Trustees reserves the right to substitute a Trustee with a Governor, who is not a staff or parent Governor, from one of the ESBs in the MAT or with a Trustee/Governor, who is not a staff or parent Trustee/Governor, from a school/academy/MAT governing board outside the MAT;
- The hearing will have a clerk in attendance;
- The clerk will write to the complainant, CEO/Head Teacher/Head and panel members giving details of the meeting, requesting copies of any documents to be put before the meeting and the names of any witnesses that either party may wish to attend;
- The clerk will inform the complainant of the right to be accompanied by a friend/relative.

These hearings are not a form of legal proceedings. Neither the complainant nor the school should bring legal representation.

The hearing will be on reasonable notice and be held as soon as practicable. The procedure at the hearing will be sensitive and appropriate for the circumstances and is at the discretion of the Chair of the Complaints Panel.

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

The Complaints Panel will not review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with from stage 1 of the Procedure.

5.4 The Remit of the Complaints Panel

The Complaints 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 Pioneer / school's systems or procedures to ensure that problems of a similar nature do not recur.

The aim of the meeting will be to resolve the complaint and achieve reconciliation between the school/MAT and the complainant.

The panel will consider the complaint and all the evidence presented and reach a decision on the complaint and the reasons for it; and decide upon the appropriate action to be taken to resolve the complaint.

The panel's decision is final. A copy of the findings and recommendations of the panel will be sent by letter (electronic mail is acceptable) to the complainant and, where relevant, to the person complained about, and will be available for inspection on the relevant school premises by the CEO/Head Teacher/Head.

If, despite following appropriate procedures, the complainant remains dissatisfied, or tries to reopen the same issue, the CEO or Chair of the Trust Board will inform them in writing that the procedure has been exhausted and that the matter is now closed, and if they wish to take the complaint further they must complete the form available at: www.education.gov.uk/schools/leadership/schoolperformance/school-complaints-form and the Education and Skills Funding Agency will deal with the complaint (see below).

The majority of complaints can be handled effectively through the informal or formal stage of Pioneer's Complaints Procedure.

However, there are occasions when complainants behave in an unreasonable manner when raising and/or pursuing concerns. The consequences are that the actions of the complainants begin to impact negatively on the day-to-day running of the school and directly or indirectly the overall well-being of the children or staff in the school. In these exceptional circumstances the school may take action as outlined below. In these circumstances, the MAT may make the decision to follow the Pioneer Procedure for dealing with Vexatious Complaints.

6. Recording Complaints

The progress of any complaint and the final outcome will be recorded by the MAT/school. These findings will be made available to the complainant either in whole or redacted and, where relevant, the person complained about, and will be available for inspection by the CEO/Head Teacher/Head. Initially a complaint may be made in person or by telephone and if unresolved needs to be put in writing using the complaints form in annex A. At the end of a meeting or telephone call, the member of staff will ensure that the complainant and Pioneer/school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls will be kept and a copy of any written response added to the record.

7. Monitoring and evaluation

The Board of Trustees will monitor the level and nature of complaints using the records kept by the MAT/school. Wherever possible, complaints information shared with the Board of Trustees/Educational Standards Board will not name individuals. The policy will be evaluated in the light of complaints made and their resolution and changes made to the policy where necessary.

The Board of Trustees will review the outcomes of the monitoring exercise on a termly basis to ensure the effectiveness of the procedure and make changes where necessary.

If the complainant believes the school / MAT did not handle their complaint in accordance with this Complaints Procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Education and Skills Funding Agency ("ESFA") after they have completed Stage 3.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by Pioneer Educational Trust. They will consider whether the school/MAT 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

Annex A: COMPLAINTS FORM (FORMAL)

Please complete and return to the PA to the CEO / Head (complaints co-ordinator) who will acknowledge receipt.

<p>Your name: Pupil's name (if applicable): Your relationship to the pupil (if applicable): Address: Postcode: Daytime telephone number: Evening telephone number:</p>
<p>Please give details of your complaint:</p> <p>What action, if any, have you already taken to try and resolve your complaint? (Who did you speak to and what was the response)?</p> <p>What actions do you feel might resolve the problem at this stage?</p> <p>Are you attaching any paperwork? If so, please give details.</p> <p>Signature:</p> <p>Date:</p>
<p>Official use Date acknowledgement sent: Complaint referred to: Date:</p>