

# Pickwick Academy Trust



## Complaints Policy

<b>Policy Group:</b>	<b>Staffing &amp; HR</b>
<b>Policy Ref:</b>	<b>SHR/04</b>
<b>Responsible Reviewing Officer and Job Title:</b>	<b>James Passmore Chief Executive Officer</b>
<b>Date Written:</b>	<b>June 2020</b>
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<b>Date of Next Review:</b>	<b>June 2023</b>

## **1. Introduction**

- a. Pickwick Academy Trust recognises that at times things can and do go wrong. The Trust Board, Governors and staff in all the Trust's schools believe that it is in everyone's best interest to resolve concerns and complaints at the earliest possible stage.
- b. This policy seeks to help parents understand how to resolve concerns about their child's education and to provide a framework to respond to complaints from parents, students and members of the wider public.
- c. This policy 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 Trust's schools.
- d. It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on creating a complaints procedure that complies with the above regulations, and refers to good practice guidance on setting up a complaints procedure from the Department for Education (DfE).

## **2. Purpose and Scope**

- a. The scope of this policy covers most complaints that the schools and the Trust are likely to receive from parents, pupils, or members of the wider public. However, it is not intended to cover aspects for which there are specific statutory requirements, such as SEND, curriculum and admissions. This policy will be applied to all complaints except in the cases summarised in the table at Appendix A.
- b. At any stage within the complaints procedure a decision may be made, based upon details of the complaint, to refer it to a different procedure.
- c. Pickwick Academy Trust takes all concerns seriously and is committed to responding as quickly as possible to any issues raised. Members of staff will listen to concerns raised and will seek to reach a prompt and satisfactory resolution. It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. We request that complainants do not discuss complaints publicly via social media, such as Facebook or Twitter.
- d. Complaints should be lodged promptly, or at least within 3 months of the incident. If a complaint is received after this time, the Trust will take no further action, unless there are exceptional circumstances.
- e. There are no regulations which prescribe Trustees/Governors' involvement in dealing with complaints. Complainants should not approach individual Trustees/Governors to raise concerns or complaints as this may prevent them from considering complaints at Stage 2 of the procedure.

### **3. Responsibilities and Accountabilities**

- a. The Pickwick Academy Trust complaints policy will:
  - Encourage resolution of problems by informal means wherever possible;
  - Be easily accessible and publicised;
  - Be simple to understand and use;
  - Involve management that will be impartial and 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 Trust and its leadership teams so that services can be improved;
  - Not investigate an anonymous concern or complaint under this policy unless there are exceptional circumstances. The CEO or Executive Headteacher will determine whether an anonymous complaint warrants an investigation.

### **4. Definitions / explanations of terms used**

- a. The DfE guidance explains the difference between a concern and a complaint:
  - A concern is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”. The Trust will resolve concerns through day-to-day communication as far as possible.
  - A complaint is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.
- b. The term ‘parent’ has been used throughout this document to include parents, legal guardians and full-time carers.
- c. A ‘school day’ is defined as a weekday during term time. It does not include weekends, school holidays and bank holidays.

### **5. Procedure**

- a. The Trust's complaints procedure consists of three stages:
  - Stage 1 – Concerns and complaints dealt with informally
  - Stage 2 – Complaints formally investigated by Headteacher (or designate)
  - Stage 3 – Complaint Panel hearing

### **6. Time Limits**

- a. Time limits for each stage of the procedure are set out under each individual stage. Although every effort will be made to comply with the time limits specified,

it may not always be possible to do so, for example, due to the complexity of the matter raised or due to the unavailability of the complainant to attend a meeting if one is offered. However, where a time limit cannot be complied with, the School or the Trust will write to the complainant within the specified time limit setting out the reasons why the time limit cannot be complied with and confirm the new time limit which will apply.

## **7. Retention of records**

- a. The school/Trust will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, the final outcome and any action taken by the school. This material will be treated as confidential and held centrally, 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) asks to see it, or where the material must be made available during a school inspection.
- b. Records of complaints made to and investigated by the Head of School/Headteacher are kept centrally by the school for a period of three years from the date the complaint is resolved and then securely destroyed.
- c. Records of complaints made to and investigated by the Local Governance Committee/Trust Board/CEO are kept centrally by the school/Trust for a period of six years from the date the complaint is resolved and then securely destroyed.
- d. Records of complaints that refer to negligence, made to and investigated by the Head of School/Headteacher/Local Governance Committee/Trust Board/CEO are kept centrally by the school/Trust for a period of fifteen years from the date the complaint is resolved and then securely destroyed.
- e. Records of complaints that relate to a pupil with an Educational Health Care Plan, made to and investigated by the Head of School/Headteacher/Local Governance Committee/Trust Board/CEO are kept centrally by the school/Trust until the pupil reaches the age of 31 years.
- f. Records of complaints that relate to a pupil with child protection or safeguarding plans, made to and investigated by the Head of School/Headteacher/Local Governance Committee/Trust Board/CEO are kept centrally by the school/Trust until the pupil reaches the age of 75 years.

## **8. Confidentiality**

- a. All correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State, a school inspector or under another legal authority.

## **9. Making a complaint – Stage 1 – informal resolution**

- a. A concern or complaint should be made either in person, in writing (including email), or by telephone. They may also be made by a third party acting on behalf of a complainant, if they have appropriate consent to do so. This consent to act on behalf of another must be evidenced to the school/Trust before any progress is made towards a resolution.
- b. Concerns should be raised directly with the member of staff concerned. If the member of staff feels that they are not the best person to be dealing with it, they will refer it to the Head of School/Headteacher or Chief Executive Officer for a decision on who should deal with the concern.
- c. Complaints about Pickwick Academy Trust central staff should be made to the Chief Executive Officer.
- d. Complaints against school staff, other than the Head of School/Headteacher, should be made in the first instance to the Head of School/Headteacher, via the school office.
- e. Complaints which involve, or are about, the Head of School/Headteacher should be addressed to the Chair of Governors via the school office.
- f. Complaints about the Chair of Governors, any individual Governor or the whole Local Governance Committee should be addressed to the Chief Executive Officer via the Pickwick Academy Trust office.
- g. Any complaint about the conduct of the Executive Headteacher, Chief Executive Officer or senior central team leader of the Trust should be made in writing to the Chair of the Board of Pickwick Academy Trust. The Chair of the Trust will appoint an Investigating Officer to review the matter. The Chair will nominate a Trustee of the Trust to make a recommendation or decision based on that report, or the Chair of the Board may fulfil this role.
- h. A complaint form template is included as Appendix B which may be used. If help is required in completing the form, please contact the school office or the Pickwick Academy Trust central office. Alternatively, help can be sought from third party organisations such as Citizens Advice.
- i. The school or Trust will aim to resolve a concern raised under Stage 1 within 15 school days of the date it was raised. Where it has not been resolved by informal means within this time limit, the complainant can submit the matters raised as a formal complaint under Stage 2 of this Complaints Policy.
- j. The member of staff dealing with a concern will make a written record of the issues raised, the action taken and, if applicable, the resolution reached, which will be retained in a central record.

## **10. Making a complaint – Stage 2 – formal complaint**

- a. Stage 2 is for complaints which have already been considered under Stage 1 of the complaints policy or for a serious matter which requires formal investigation from the outset.
- b. If a complainant is dissatisfied with the outcome of Stage 1, they should submit a request to escalate their complaint to Stage 2 in writing to the Head of School/Headteacher/CEO/Chair outlining the reasons for a formal investigation. The complainant should set out clearly the nature of their complaint, any unresolved issues, including relevant dates and full names of persons involved, and clarify what action they believe would resolve the issue. Any documentation should be attached to the complaint.
- c. The complaint will be acknowledged in writing within 5 school days of date of receipt. The acknowledgement letter will confirm the date that the formal complaint was received, the action to be taken and the specified time limit. It will also specify who has been appointed as the Investigating Officer.
- d. The Investigating Officer will be a senior member of staff who has no prior involvement with the complaint.
- e. The Investigating Officer will contact the complainant to clarify the details of the complaint and the methodology that will be used to investigate the complaint.
- f. The complainant will be offered the opportunity to meet with the Investigating Officer and to be accompanied by a friend or relative not acting in a legal capacity to speak on their behalf or help them make their case.
- g. The Investigating Officer will interview relevant witnesses and take statements from those involved. These will be dated and signed.
- h. If the complaint involves a pupil, he/she should also be interviewed, normally with a parent/carer present. In some cases, however, this may not be possible and a member of staff with whom the pupil feels comfortable will attend the interview.
- i. The Investigating Officer will keep written records of all meetings, telephone conversations and any other communication throughout the investigation.
- j. A full written response confirming the outcome of the investigation will be made to the complainant within 20 school days of the written complaint being received.
- k. The letter will set out the individual matters raised by the complainant, the findings made by the Investigating Officer and the conclusion reached.
- l. The letter will inform the complainant that, if they are dissatisfied with the outcome of the Stage 2 investigation, they should write to the Chair of the Local Governance Committee within 5 school days of receipt of the letter asking for the

complaint and the Stage 2 investigation to be reviewed by a panel hearing as set out in paragraph 11 of this complaints policy below. For complaints about Pickwick Academy Trust central team, the complainant should write to the Chair of the Trust Board.

m. Outcomes to a complaint may include:

- A finding that the complaint requires no further action;
- A finding that there is insufficient evidence to reach a conclusion such that the complaint cannot be upheld;
- An admission that the situation could have been handled differently or better but this is not the same as an admission of negligence;
- An apology;
- An explanation of the steps taken that have been taken, or will be taken, to 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 or Trust procedures in the light of the complaint.

n. Where the complaint was received during a school holiday or within 20 days from the start of the Christmas, Easter or summer holidays, the Head of School/Headteacher or Chief Executive Officer will endeavour to expedite the investigation wherever possible.

### **11. Making a complaint – Stage 3 – formal appeal to a panel**

- a. If the complainant is dissatisfied with the outcome of the complaint under Stage 2 of the Complaints Policy, the complainant may write to the Chair of Governors (for school complaints) or the Chair of Trustees (for complaints made against members of the Executive team) within 5 school days of receiving the letter confirming the outcome of Stage 2 requesting an Appeal Panel hearing. Any requests received outside of this time frame will only be considered if exceptional circumstances apply.
- b. The complainant should not repeat the matters raised in their original letter or attached documentation which has already been provided, but should clearly set out how and why they do not accept the findings made under Stage 2 and state what their desired outcome is for consideration.
- c. The Clerk to the Governors/Trustees will fulfil the role of organising the time and date of the appeal panel meeting, inviting all the attendees, collating all the relevant documentation and distributing this 5 school days in advance of the meeting. The Clerk will also record the proceedings in the form of minutes and circulate these with the outcome of the meeting.
- d. The Chair of Governors/Trustees will write to the complainant within 5 school days of receipt to acknowledge receipt of their request for an appeal panel hearing.

- e. The Appeals Panel will consist of at least three people with no prior involvement or knowledge of the complaint. One of the 3 panel members will be independent of the management and running of the school. Prior to the meeting, they will decide amongst themselves who will act as Chair of the Appeals Panel. The Chair will ensure that the appeal hearing is minuted.
- f. Alternatively, an entirely independent panel may be convened to hear the complaint at Stage 3.
- g. The acknowledgement letter will confirm the date that the formal request to review the decision was received, the action to be taken and the specified time limit. It will also include the names of the Appeal Panel members. If the complainant objects to any of the named persons being appointed to the Appeal Panel, they should notify the Clerk within 3 school days of receipt of the letter. Fair consideration will be given to any bona fide objection to a particular member of the Panel.
- h. 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.
- i. 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.
- j. The panel will decide whether to deal with the complaint by inviting parties to a meeting or through written representations if a meeting is not possible, but in making their decision, they will be sensitive to the complainant's needs.
- k. If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a friend, relative or colleague but they will not play any part in the proceedings unless invited to do so by the Chair. There may be occasions when legal representation is appropriate, such as 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.
- l. If attendance of any pupils is required at the hearing, parental permission will be sought if they are under the age of 18 years. Extra care will be taken to consider the vulnerability of children where they are present at a complaints appeal hearing.
- m. Representatives from the media are not permitted to attend.
- n. At least 10 school days 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. The Clerk will also request copies of any further written material to be submitted to the Panel.

- o. Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The panel will not normally accept, as evidence, any recordings of conversations that were obtained covertly and without the informed consent of all parties concerned. The panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint.
- p. 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 the minutes.
- q. The decision of the panel is final and will be communicated in writing to the complainant, the Head of School/Headteacher/CEO and the Chair of Governors/Trustees within 5 school days. The recommendations and findings will be made available for inspection on the school premises by the proprietor or Head of School/Headteacher/CEO
- r. The appeal panel can make the following decisions:
  - Dismiss or uphold the complaint in whole or in part;
  - Decide on the appropriate action to be taken to resolve the complaint;
  - Recommend changes to the school's or Trust's systems or procedures to ensure that problems of a similar nature do not recur.
- s. If the subject of the appeal is the Chief Executive Officer, the appeal should be lodged with the Chair of the Trust's Board within 10 school days of the receipt of the stage 2 decision. Where there is a delay in submitting an appeal without good reason, the Chair of the Trust's Board may decide that the appeal is out of time and will not be heard further. The Chair of the Trust Board will appoint a panel of two independent Trustees who have had no prior involvement in the matter and a panel member who is entirely independent of the management of the school or the Trust Board. The panel will appoint its own chair who will ensure that the meeting is minuted.
- t. The decision of the panel is final and will be communicated in writing by the Chair of the panel to the complainant, the Chief Executive Officer and the Chair of the Board within 5 school days. The recommendations and findings will be made available for inspection on the school premises by the Head of School/Headteacher/CEO. There is no further right of appeal in respect of the decision of any panel of the Trust Board with regard to complaints about the Chief Executive Officer other than to the Secretary of State at the Department for Education on the grounds that the Trust Board has not followed the complaints process.

- u. A further stage of appeal can be taken to the Secretary of State at the Department for Education but only on the grounds that that Local Governance Committee or the Board of Pickwick Academy Trust has not followed the appropriate complaints procedure.

## **12. Withdrawal of a complaint**

- a. If a complainant wishes to withdraw their complaint at any point, they will be asked to do so in writing. If the complaint is not withdrawn in writing, the CEO or Head of School/Headteacher will email the complainant stating that it is understood that the complaint has been withdrawn and that the matter is closed.

## **13. Habitual (persistent) or vexatious (unreasonable) complaints**

- a. Habitual and/or vexatious complainants can be a problem for staff, Governors and Trustees. The difficulty in handling such complaints can place a strain on time and resources. Whilst the school and Trust endeavours to respond with patience and sympathy to the needs of all complainants, there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.
- b. Where a complainant tries to raise an issue which has already been dealt with through the Trust's complaints procedure, and everything that could be reasonably done in response to the complaint has been done, the school or Trust will not reinvestigate the complaint except in exceptional circumstances, such as if new evidence has come to light.
- c. If a complainant persists in raising the same issue, the Head of School/Headteacher, or Chief Executive Officer, will write to them to explain that the matter has been dealt with fully in line with the Trust's complaints procedure and that the matter is closed.
- d. Whilst this list is not exhaustive, habitual or unreasonable complaints may include:
  - The complainant refuses to co-operate with the Trust's/school's relevant procedures;
  - The complainant changes the basis of the complaint as the complaint progresses by raising further concerns or questions;
  - The complainant is unwilling to accept the final decision and seeks an unrealistic outcome;
  - The complainant refuses to accept documented evidence of action taken or denies receiving information in spite of correspondence specifically answering their questions;
  - Excessive demands are made on the time of staff, governors and/or trustees and it is clearly intended to aggravate;
  - The complainant acts in a way that is threatening, abusive or offensive;
  - The complainant contacts the school on an excessive number of occasions.

#### **14. Dealing with habitual or vexatious complaints**

- a. In cases of persistent or unreasonable complaints, or harassment, the school/Trust may take the following steps as appropriate:
  - Inform the complainant that their behaviour is now considered to be unreasonable or unacceptable and request a changed approach;
  - Restrict contact with the complainant to one form of communication either in person, by telephone or by email;
  - Restrict contact to liaison through a designated member of staff;
  - Notify the complainant that they have received a full response to their complaint and the school, or Trust, has tried to resolve the complaint and there is nothing more to be added.
  - Inform the complainant that any form of contact in relation to their complaint, or similar issues to their complaint, will be acknowledged but not answered;
  - Place restrictions on the complainant's access to the school or Trust site.
- b. When a complainant has been determined as habitual or vexatious, that status will be regularly reviewed and, where appropriate, withdrawn. This action may be appropriate when the individual demonstrates a more reasonable approach or submits a further complaint which will be dealt with as a new complaint.
- c. A panel of 3 governors should review a decision to categorise a complainant as habitual or vexatious every six months and decide if that category can be amended or withdrawn.

#### **15. Equal Opportunities**

- a. An Equality and Diversity Impact Assessment has been completed in order to ensure it complies with equality obligations outlined in discrimination legislation. The policy positively reflects the aims and ambitions of Pickwick Academy Trust.
- b. In accordance with equality law, we will consider making reasonable adjustments, if required, to enable complainants to access and complete this complaints procedure, such as providing information in alternative formats, assisting them in raising a formal complaint or holding meetings in accessible locations.

#### **16. References, acknowledgements and associated documents**

- a. This policy will be implemented in conjunction with other Pickwick Academy Trust policies in the same group of policies.

#### **17. Appendices**

- a. Appendix A: Exceptions – Complaints not covered by this policy
- b. Appendix B: Complaint form template

**Appendix A: Exceptions – Complaints not covered by this policy**

Admissions to school	Admissions authority – details will be provided on the admission sections of the relevant school’s website. Please contact the school if you cannot access the information on the website.
Statutory assessments of Special Educational Needs and Disability	Local Authority carrying out the assessment
Matters likely to require a Child Protection investigation	Designated Safeguarding Lead at the relevant school or via the relevant Local Children’s Safeguarding Board – please see the safeguarding section on the relevant school’s website. Please contact the school if you cannot access the information on the website.
Exclusion from school	Parents and carers may use school procedures to challenge permanent and fixed-term exclusions. Details of the processes to follow will be provided in the documentation provided at the time of the exclusion. In the event of queries, please contact the school for further details.
Whistleblowing	A copy of the Whistleblowing Policy is on the school’s website. Please contact the school if you cannot access the information on the website.
Staff grievances and disciplinary procedures	The Trust has staff grievance and disciplinary policies and procedures and a code of conduct in place. Complainants are not informed of the outcomes of actions under these procedures.
Complaints about services provided by external bodies using a school’s premises or facilities	Providers should be contacted directly and have their own procedures in place.

**Appendix B: Complaint form template**

Please complete and return to the School Office or Pickwick Academy Trust central office. You will receive an acknowledgment with details of what action will be taken.

Your Name:
Pupils Name:
Your relationship to the pupil:
Address:
Postcode:
Telephone No:
Please give details of your complaint:

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

Signature:

Date:

**Official use**

Date acknowledgement sent:

By who:

Complaint referred to:

Date: