



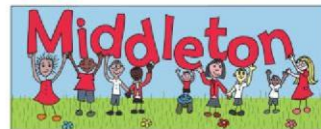
**PETERBOROUGH KEYS  
ACADEMIES TRUST**

# **COMPLAINTS POLICY AND PROCEDURE**

**Version 2.0**

**July 2020**

**Trustee Committee: Trust Board**  
**Reviewed by Leadership Group: N/A**  
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## **1. PKAT Complaints Policy**

1.1 This Policy and the procedures for its implementation aims to clarify the way in which concerns and complaints are managed. It aims to do so in a way which is clear and concise. The Policy also seeks to promote a consistent and transparent approach to dealing with concerns and complaints

## **2. Introduction**

2.1 Academies are required to have complaints procedures meeting certain requirements by the Education (Independent School Standards England) Regulations 2014 Part 7 and to make the procedure available to parents of pupils and parents of prospective pupils. This Policy is informed by the Independent Academy Standards Regulations 2014 and Best Practice Advice for Complaints Procedures (January 2016) published by the Department of Education.

2.2 The Trust (PKAT) accepts that the actions of those individuals who work in the school will and should be open to comment, question and, on occasions, criticism. PKAT takes complaints seriously and strives to deal with concerns and complaints swiftly and thoroughly. In a spirit of accountability PKAT will attempt to resolve general school concerns and complaints through the most appropriate process and, where necessary, this may involve formal procedures

## **3. Who Can Make a Complaint?**

3.1 This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to PKAT about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

## **4. The Difference Between a Concern and a Complaint**

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

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

4.3 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. PKAT takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

4.4 If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher, will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher 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.

4.5 We understand, however, that there are occasions when people would like to raise their concerns formally. In this case, PKAT will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

## **5. How to Raise a Concern or Make a Complaint**

5.1 A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

5.2 Concerns should be raised with either the class teacher, Head of House, Curriculum Area Leader (Secondary) or class teacher, the Subject Lead, Phase Leaders (Primary) or appropriate member of the Senior Leadership Team. If the issue remains unresolved, the next step is to make a formal complaint.

5.3 Complainants should not approach individual governors or 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 Stage 2 or Stage 3 of the procedure.

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

5.5 Complaints about any individual governor should be addressed to the Clerk to the Governing Body via the school office. Please mark them as Private and Confidential.

5.6 Where the complaint refers to the Chair of the Local Governing Body, the Chief Executive Officer, a member of the Executive Leadership of the Trust, Headteachers, a Trustee, or a Member, this Policy will apply and the Chair of Trustees assumes responsibility. For complaints to be addressed to the Chair of Trustees contact the Company Secretary/Clerk to the Board of Trustees via e-mail [estephens-dunne@pkat.co.uk](mailto:estephens-dunne@pkat.co.uk) or via post to The Company Secretary/Clerk to the Board of Trustees, Jack Hunt School, Bradwell Road, Peterborough, PE3 9PY. Please mark them as Private and Confidential.

5.7 For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you ([www.citapeterborough.org.uk](http://www.citapeterborough.org.uk)).

5.8 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.

5.9 PKAT will not tolerate abusive language or behaviour at any time, and reserves the right to postpone the process should it feel that the welfare of staff, pupils and / or governors is at significant risk.

5.10 PKAT has a separate Unreasonable Complaints and Unreasonable Behaviour Policy.

## 6. Anonymous Complaints

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

## 7. Complaints Received Outside of Term-Time

7.1 We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

## 8. Scope of this Complaints Procedure

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

Exceptions	Who to Contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs</li> <li>• School re-organisation proposals</li> </ul>	<p>Concerns about admissions, statutory assessments of Special Educational Needs or school re-organisation proposals should be raised with Peterborough Local Authority.</p>
<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the Local Authority Designated Officer (LADO) who has local responsibility for safeguarding or the MultiAgency Safeguarding Hub (MASH).</p>

	<p>LADO 01733 864 083 <a href="mailto:LADO@peterborough.gov.uk">LADO@peterborough.gov.uk</a></p> <p>MASH 01733 864170 or 01733 864180 (Mon – Fri 9am to 5pm)</p> <p>Out of Hours Emergency Duty Team (EDT): 01733 234724</p>
<ul style="list-style-type: none"> <li>Exclusion of children from school*</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-disciplineexclusions/exclusions">www.gov.uk/school-disciplineexclusions/exclusions</a></p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure</i></p>
<ul style="list-style-type: none"> <li>Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure.</p> <p>You may also be able to complaint direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> <li>Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> <li>Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a member of staff as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> <li>Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>

<ul style="list-style-type: none"> <li>National Curriculum - content</li> </ul>	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>
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8.2 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.

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

## 9. Resolving Complaints

9.1 At each stage in the procedure, PKAT wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. It may 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:

- (a) an explanation
- (b) an admission that the situation could have been handled differently or better
- (c) an assurance that we will try to ensure the event complained of will not recur
- (d) 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
- (e) an undertaking to review school policies in light of the complaint
- (f) an apology.

9.2 Complainants will be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

## 10. Reporting and Recording

10.1 A written record will be kept of all complaints made along with details of whether they were resolved following a formal procedure, or progression to a Governor or Trustee Hearing. The school will record the action it takes as a result of complaints (regardless of whether they are up- held). Correspondence, statements and records relating to individual complaints are to be kept

confidential except where the Secretary of State or a body conducting an inspection under Section 109 of the 2008 Act requests access to them.

## **11. Withdrawal of a Complaint**

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

## **12. Complaint Process**

12.1 PKAT has an informal, followed if necessary, by a three-stage formal process for dealing with concerns and complaints. Further details of each stage together with timescales, roles and responsibilities of staff involved are within this document.

12.2 The three stages are:

- (a) Informal – concern heard by a member of staff
- (b) Stage 1 – complaint heard by the Headteacher (complaint which is put in writing)
- (c) Stage 2 – complaint heard by the Local Governing Body Complaints Appeal Committee
- (d) Stage 3 – complaint heard by the Trustee Complaints Appeal Committee

## **13. Informal**

13.1 A concern can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent so to do. Concerns should be raised with the appropriate member of staff, most likely the class teacher, Head of House, Curriculum Area Leader (secondary), class teacher, Subject Leaders, Phase Leader (Primary) or member of the senior leadership team. PKAT works to informally resolve a concern at the earliest possible opportunity by way of a discussion(s) with the appropriate member of staff. The school should aim to resolve the concern within 5 school days of receiving it. Where this is not possible, the investigating member of staff will inform the parties of the action being taken, and when it is expected to resolve it.

## **14. Stage 1**

14.1 If the Complainant thinks that their concern has not been resolved then the next step is to make a formal complaint. Complaints should be submitted in writing within 10 school days of the final informal discussion. Formal complaints must be made to the Headteacher (unless they



are about the headteacher), via the school office. This may be done in person, in writing (preferably on the Complaint Form), or by telephone.

- 14.2 The Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within two school days.
- 14.3 Within this response, the Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Headteacher can consider whether a face to face meeting is the most appropriate way of doing this.
- 14.4 The Headteacher 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 Headteacher (or investigator) will:
- (a) if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
  - (b) keep a written record of any meetings/interviews in relation to their investigation.
- 14.5 At the conclusion of their investigation, the Headteacher will provide a formal written response within ten school days of the date of receipt of the complaint.
- 14.6 If the Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.
- 14.7 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 PKAT will take to resolve the complaint.
- 14.8 The Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.
- 14.9 Complaints made about a member of the governing body must be made to the Clerk of the Governing Body, via the school office.
- 14.10 Complaints made about the Headteacher, CEO, members of the Trust Executive or Chair of the Local Governing Body must be made to the Company Secretary/ Clerk Trustees, via e- mail of by post. The Chair of Trustees will assume responsibility.

## **15. Stage 2**

- 15.1 If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with members of the Local Governing Body Complaints Appeal Committee, which will be formed of the first two, impartial, governors

available. No Governor may sit on the Panel if they have prior involvement in the complaint or the circumstances surrounding it. The third member of the Committee will be independent of the management or running of the school.

15.2 A request to escalate to Stage 2 must be made to the Clerk, via the school office, within ten school days of receipt of the Stage 1 response.

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

15.4 Requests received outside of this time frame will only be considered if exceptional circumstances apply.

15.5 The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within fifteen school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

15.6 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.

15.7 The Local Governing Body Complaints Appeal Committee will consist of at least two governors with no prior involvement or knowledge of the complaint, and a panel member who is independent of the management or running of the school. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Appeal Committee. If there are fewer than three governors from the school available, the Clerk will source any additional, independent governors through another local school or through their LA's Governor Services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.

15.8 The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

15.9 If the complainant is invited to attend the meeting, they may bring someone along 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.

15.10 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 staff disciplinary procedures, if appropriate, but outcomes will not be shared with them. Representatives from the media are not permitted to attend.

15.11 At least seven school days before the meeting, the Clerk will:

- (a) 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
  - (b) request copies of any further written material to be submitted to the committee at least five school days before the meeting.
- 15.12 Any written material will be circulated to all parties at least two 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.
- 15.13 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 I of the procedure.
- 15.14 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.
- 15.15 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.
- 15.16 The committee will consider the complaint and all the evidence presented. The committee can:
  - (a) uphold the complaint in whole or in part
  - (b) dismiss the complaint in whole or in part.
- 15.17 If the complaint is upheld in whole or in part, the committee will:
  - (a) decide on the appropriate action to be taken to resolve the complaint
  - (b) where appropriate, recommend changes to the school's systems or procedures to
  - (c) prevent similar issues in the future.
- 15.18 The Chair of the Committee will provide the complainant and PKAT with a full explanation of their decision and the reason(s) for it, in writing, within five school days of the hearing.
- 15.19 The findings and recommendations of the Local Governing Body Complaints Appeal Committee will be available for inspection on the school premises by the proprietor and the Headteacher.
- 15.20 If the complaint at Stage I is made about the Headteacher, CEO, members of the Trust Executive or Chair of the Local Governing Body the Company Secretary/ Clerk Trustees, assumes the role of Clerk for the Trustee Complaints Appeal Committee.

## 16. Stage 3

- 16.1 If 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 meeting with members of the Trustee Complaints Appeal Committee, which will be formed of the first two, impartial, Trustees available. No Trustee may sit on the Panel if they have prior involvement in the complaint or the circumstances surrounding it. The third member of the Committee will be independent of the management or running of the Trust. This is the final stage of the complaints procedure.
- 16.2 A request to escalate to Stage 3 must be made to the Company Secretary/Clerk to the Board of Trustees via e-mail [estephens-dunn@pkat.co.uk](mailto:estephens-dunn@pkat.co.uk) or via post to The Company Secretary/Clerk to the Board of Trustees, Jack Hunt School, Bradwell Road, Peterborough, PE3 9PY, within ten school days of receipt of the Stage 2 response.
- 16.3 The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within two school days.
- 16.4 Requests received outside of this time frame will only be considered if exceptional circumstances apply.
- 16.5 The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within fifteen 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.
- 16.6 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.
- 16.7 The Trustee Complaints Appeal Committee will consist of at least two Trustees with no prior involvement or knowledge of the complaint, and a panel member who is independent of the management or running of the Trust. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Trustees Complaints Appeal Committee. If there are fewer than two Trustees from the Trust available, the Clerk will source any additional, independent Trustees through another local Trust, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 3.
- 16.8 The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.
- 16.9 If the complainant is invited to attend the meeting, they may bring someone along 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.

16.10 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 staff disciplinary procedures, if appropriate, but outcomes will not be shared with them. Representatives from the media are not permitted to attend.

16.11 At least seven school days before the meeting, the Clerk will:

- (a) 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;
- (b) request copies of any further written material to be submitted to the committee at least five school days before the meeting.

16.12 Any written material will be circulated to all parties at least two 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.

16.13 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 I of the procedure.

16.14 The meeting will be held in private. Electronic recordings of meetings or conversations are

16.15 not normally permitted unless a complainant's own disability or special needs require it.

16.16 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.

16.17 The committee will consider the complaint and all the evidence presented. The committee can:

- (a) uphold the complaint in whole or in part
- (b) dismiss the complaint in whole or in part.

16.18 If the complaint is upheld in whole or in part, the committee will:

- (a) decide on the appropriate action to be taken to resolve the complaint
- (b) where appropriate, recommend changes to the school's systems or procedures to
- (c) prevent similar issues in the future.

16.19 The Chair of the Committee will provide the complainant and PKAT with a full explanation of their decision and the reason(s) for it, in writing, within five school days of the hearing. The letter to the complainant will include details of how to contact the Department for Education and the Education and Skills Funding Agency if they are dissatisfied with the way their complaint has been handled by PKAT.

16.20 The findings and recommendations of the Trustee Complaints Appeal Committee will be available for inspection on the school premises by the proprietor and the Headteacher.

## **17. Next Steps**

17.1 Should a complainant remain dissatisfied following a Stage 3 complaint they will be advised of their right to escalate their complaint to the following bodies:

## **18. Department for Education**

18.1 If a complainant feels that the school has or is proposing to act unreasonably, or has failed to discharge a duty under certain legislation they can contact the Department for Education online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus) by telephone on: 0370 000 2288 or by writing to:

- (a) Department for Education  
Piccadilly Gate  
Stone Street  
Manchester  
M1 2WD

## **19. Education and Skills Funding Agency**

19.1 If a complaint comes to the ESFA they will check whether the complaint has been dealt with properly by the Academy. They will consider complaints about Academies that fall into any of the following three areas:

- (a) Where there is undue delay or the Academy did not comply with its own complaints procedure when considering a complaint
- (b) Where the Academy is in breach of its funding agreement with the Secretary of State
- (c) Where an Academy has failed to comply with any other legal obligation

19.2 They will not overturn an Academy's decision about a complaint. However, if they find an Academy did not deal with a complaint properly they will request the complaint is looked at again and

19.3 procedures meet the requirements set out in the Regulations. If the Academy's complaints procedure does not meet the Regulations, they will ask the Academy to put this right. They may

seek to enforce the decision under the terms of the funding agreement on behalf of the Secretary of State, if appropriate

## **20. Roles and Responsibilities - Complainant**

20.1 The complainant will receive a more effective response to the complaint if they:

- (a) explain the complaint in full as early as possible
- (b) co-operate with the school in seeking a solution to the complaint
- (c) respond promptly to requests for information or meetings or in agreeing the details of the complaint
- (d) ask for assistance as needed
- (e) treat all those involved in the complaint with respect
- (f) refrain from publicising the details of their complaint on social media and respect confidentiality.

## **21. Roles and Responsibilities - Investigator**

21.1 The investigator's role is to establish the facts relevant to the complaint by:

- (a) providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - (i) sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - (ii) interviewing staff and children/young people and other people relevant to the complaint
  - (iii) consideration of records and other relevant information
  - (iv) analysing information
- (b) liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

21.2 The investigator should:

- (a) conduct interviews with an open mind and be prepared to persist in the questioning
- (b) keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- (c) ensure that any papers produced during the investigation are kept securely pending any appeal

- (d) be mindful of the timescales to respond
- (e) prepare a comprehensive report for the headteacher or Governors Complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

21.3 The headteacher or Governors Complaints Committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

## **22. Complaints Co-ordinator**

22.1 The complaints co-ordinator (this could be the headteacher or another staff member) should:

- (a) ensure that the complainant is fully updated at each stage of the procedure
- (b) liaise with staff members, Headteacher, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure
- (c) be aware of issues regarding:
  - (i) sharing third party information
  - (ii) additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- (d) keep records.

## **23. Clerk to the Governing Body and Clerk to the Trustees**

23.1 The Clerk is the contact point for the complainant and the committee and should:

- (a) ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- (b) set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- (c) collate any written material relevant to the complaint (for example; stage 2 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within the agreed timescale
- (d) record the proceedings
- (e) circulate the minutes of the meeting
- (f) notify all parties of the committee's decision.



## **24. Complaints Appeal Committee Chair (LGB and Trustee)**

24.1 The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- (a) both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- (b) the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- (c) complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- (d) the remit of the committee is explained to the complainant
- (e) written material is seen by everyone in attendance, provided it does not breach
- (f) confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.
- (g) If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- (h) both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- (i) the issues are addressed
- (j) key findings of fact are made
- (k) the committee is open-minded and acts independently
- (l) no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- (m) the meeting is minuted
- (n) they liaise with the Clerk (and complaints co-ordinator, if the school has one).

## **25. Complaints Appeal Committee Member (LGB and Trustee)**

25.1 Committee members should be aware that:

- (a) the meeting must be independent and impartial, and should be seen to be so
- (b) No governor or Trustee may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.

- (c) the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant
- (d) We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- (e) many complainants will feel nervous and inhibited in a formal setting
- (f) Parents/carers often feel emotional when discussing an issue that affects their child.
- (g) extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting
- (h) Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.
- (i) The committee should respect the views of the child/young person and give them equal consideration to those of adults.
- (j) If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.
- (k) However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.
- (l) committee considers is not in the child/young person's best interests.
- (m) the welfare of the child/young person is paramount.

## 26. Version History

### 26.1 Table of Versions

VERSION	ACTION	RESPONSIBLE	DATE
1.0	DfE model policy sourced	Pamela KILBEY	13/09/2019
1.1	DfE model Policy modified for PKAT	Pamela KILBEY	15/09/2019

1.2	Policy update following discussions with Leadership Group	Pamela KILBEY	16/09/2019
1.3	Policy update following discussions with Leadership Group	Pamela KILBEY	16/09/2019
1.4	Policy update following discussions with Leadership Group	Pamela KILBEY	16/09/2019
1.5	Policy update following discussions with Group and PKAT Leadership formatting	Pamela KILBEY	17/09/2019
1.5	Policy agreed by Trust Board	Trust Board	15/10/2019
2.0	Policy update to include Trustees in the 3 Formal Stages	Trust Board	13/07/2020

## 27. Appendix A: Complaint Form

27.1 Please complete and return to the Headteacher who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b>  <b>Postcode:</b>  <b>Day time telephone number:</b>  <b>Evening telephone number:</b>
<b>Please give details of your complaint, including whether you have spoken to anybody at the school about it.</b>
<b>What actions do you feel might resolve the problem at this stage?</b>

<b>Are you attaching any paperwork? If so, please give details.</b>
<b>Signature:</b>
<b>Date:</b>
<b>Official use</b>
<b>Date acknowledgement sent:</b>
<b>By who:</b>
<b>Complaint referred to:</b>
<b>Date:</b>

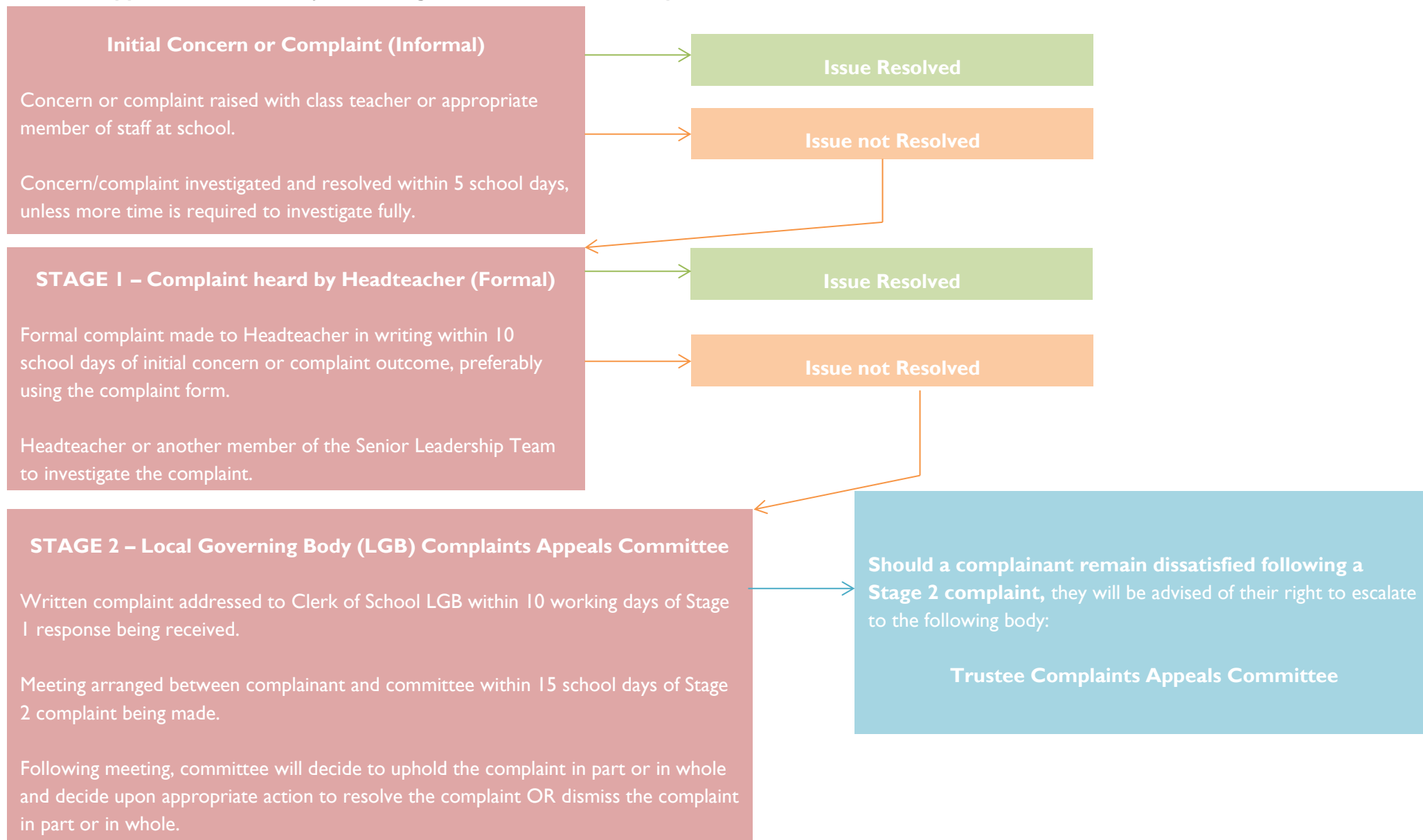
## 28. Appendix B - Covid-19 Policy Addendum

28.1 We are committed to continuing supporting the children of defined keyworkers and identified vulnerable children, as per the Government guidance. This approach is grounded upon the basis that risks associated with Covid-19 have been deemed to be mitigated as much as practicable through precautionary measures taken and risk assessed by school leaders, governors and Trustees.

28.2 The approaches undertaken towards this reintegration and phased school re-opening have been quality assured by the Trustees whose representatives have individually risk assessed each school's approach, considering key factors pertinent to individual school circumstances and contexts. To this regard – it is recognised that for a variety of different reasons – each school has taken an approach which relates to the particular risks and mitigation factors able to be implemented and therefore, different schools will have different approaches and capacity related to this.

- 28.3 In addition to an understandable desire to have children return to school – the health and safety of children and school staff remains the main priority when determining the best approaches to match a school’s context and circumstances.
- 28.4 It is recognised that children and their families also face different circumstances at home and therefore some parents/carers may feel that the school’s approach and offer doesn’t meet their expectation or satisfaction.
- 28.5 Standard complaints procedures typically follow a set out process and timeline which would be impractical to manage during the current circumstances – especially because schools are being advised to follow national and local authority advice – that any complaints that don’t relate directly to Covid-19 should be postponed until such time that it is practicable to proceed, most likely in person.
- 28.6 In circumstances which relate directly to COVID-19 - following raising your initial concerns with school personnel you remain dissatisfied with your school’s approach we ask for you to follow the process outlined below:
- (a) Stage 1: Your complaints and actions taken to date to resolve this should be raised in writing via email to the Headteacher of your school – who will then consider your concerns against the school’s approach towards COVID-19, National Guidance and school documentation e.g. Risk Assessments. A response should be expected within 48 hours from submission.
  - (b) Stage 2: If you remain dissatisfied with the outcome of Stage 1, you should ensure that this it is clear in your written reply to the Headteacher’s Stage 1 response that you would like to proceed to Stage 2. This will then be considered by at least two governors who have had no prior involvement with your complaint. In the interests of logistics and arrangements – a response should be expected within no more than 72 hours from your request for progression from Stage 1.
  - (c) Stage 3: In the unlikely circumstances where you remain dissatisfied – you should reply to your Stage 2 email response clearly identifying this – which will then be shared with the Trustees – who will review the process followed and decisions made and communicate their outcome within no more than 48 hours from you requesting progression to Stage 3. This decision will be final and not subject to any further course of appeal.
- 28.7 As outlined, because of government restrictions related to gatherings of people – the process shall be purely managed via correspondence.
- 28.8 For the avoidance of doubt – it is recognised that as with any other communicable disease – there cannot be any guarantees for schools to entirely eliminate the risk of contamination or infection, regardless of how detailed and thorough their approach to this work has been.

## 29. Appendix C - Summary of Dealing with Concerns and Complaints in PKAT schools



Issue not Resolved

### STAGE 3 – Trustee Complaints Appeal Committee

Written complaint addressed to Clerk of Trustees within 10 school days of the response being received.

Meeting arranged between complainant and committee within 15 school days of Stage 3 complaint being made.

Following meeting, committee will decide to uphold the complaint in part or in whole and decide upon appropriate action to resolve the complaint OR dismiss the complaint in part or in whole.

Should a complainant remain dissatisfied following a **Stage 3 complaint**, they will be advised of their right to escalate to the following body:

**Department for Education  
ESFA**