PACE Academy Trust

Complaints Policy

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Our commitment to resolving your concern or complaint

In PACE schools our mission is to provide education and care in happy, inspiring environments in which all children are valued and encouraged to succeed. From time-to-time parents, carers and others connected with the school will become aware of matters which cause them concern. We have this policy to set out what we will do when those concerns arise. Throughout our policy, when referring to parents and carers, we include in this anyone else connected to our schools who may need to use this policy.

We will take concerns and complaints seriously and expect that they are dealt with comprehensively, at the appropriate level and as far as possible, in confidence. We want to resolve issues as early as possible. We will review our processes and practice to learn lessons when we find that we could have done better.

To enable proper investigation, we ask that concerns or complaints be brought to the attention of the school as quickly as possible. Matters raised more than 3 months after the event will only be considered in exceptional circumstances.

There are some complaints which are not within the scope of this policy as they are covered in separate arrangements. Complaints which are not in scope under this policy:

- Complaints brought by staff will be investigated under our employee *Grievance Policy*.
- Concerns about statutory assessments of Special Educational Needs should be raised directly with local authorities.
- Complaints about child protection matters should be handled under the school's safeguarding and child protection policy.
- Complaints about the admissions criteria/procedure.

Anonymous complaints will not be investigated unless there are exceptional circumstances.
We have a Whistleblowing Policy which can be found on our website.

Written records of any complaint will only be shared with those that need to see them. Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments that are needed.

Our approach to complaint handling: a summary of this policy

We want to resolve complaints as early as possible. We ask parents and carers to raise their concern or complaint informally and we will do our best to resolve it. We describe this in more detail below under 'Informal Resolution (Stage 1)'.

If we are unable to resolve a concern or complaint informally, parents and carers are asked to raise their complaint in writing and can choose to use our form to do this (page 12) which is also available from our school offices. We want to make this process as accessible as possible for all of our community so please ask us if you need any adjustments or assistance. We will then investigate and

respond to your complaint formally. This is set out in more detail below under 'Investigation and response to a formal complaint (Stage 2)'. We ask parents and carers to set out why they are dissatisfied and what outcomes they are seeking.

If a parent or carer is unhappy about our response, they may ask us to proceed to an appeal stage so that an independent panel can review their complaint. This is set out in more detail below under 'Appeal stage (Stage 3)'.

If a complaint has been through all stages of this policy but the parent or carer remains dissatisfied, they can refer their complaint to the Department of Education.

We will always endeavour to keep to the commitments we make in this policy about timescales at each stage. However, where a complaint is of a particularly complex nature, or further investigations are required to establish facts, new time limits may be set. We will tell parents and carers about any changes and explain the delay.

Our procedure in detail

Stage 1 - Informal resolution

The class teacher, the Head of School/Headteacher or other members of staff, can deal with many enquiries and concerns satisfactorily. We value informal meetings and discussions.

There is no suggested time-scale for resolution at this stage given the importance of dialogue through informal discussion although we hope that most issues will be resolved within 10 school days. We will give you an opportunity to explain your concern and listen carefully to what you suggest might put that right.

It's likely that many issues can be resolved by the class teacher. Sometimes a discussion with a more senior leader (such as a 'Phase Leader', a SENDCO or Assistant Headteacher) will be appropriate.

If a parent or carer *or* the member of our staff trying to resolve an issue decides that the complaint will not be resolved through these face-to-face discussions *either* can decide that we should move to a formal investigation of the complaint under stage 2.

Stage 2 - Investigation and response to a formal complaint

If we are unable to resolve a concern or complaint informally, we ask parents and carers to put their complaint in writing and they can choose to use our form to do this (page 12) which is also available from our school offices.

We ask parents and carers to set out why they are dissatisfied and what outcomes they are seeking.

We want to make this process as accessible as possible for all of our parents and carers so please ask us if you need any adjustments or assistance.

The complaint should be sent to the Head of School/Headteacher. If the complaint is about a Head of School or Headteacher the parent or carer should send it to our governance professional: clerk@paceacademytrust.com so that we can ensure that those being complained about are not involved in investigating a complaint.

We will then investigate and respond to your complaint formally.

We will acknowledge a written complaint within 3 school days, provide a copy of this policy and aim to respond to the complaint within a further 20 school days. We will let you know if we have to extend this timeframe and explain why. We will identify the appropriate Senior Leader to investigate and respond to the formal complaint.

In exceptional circumstances, or if the complaint relates to a Head of School or Headteacher or has been investigated at Stage 1 by the Head of School or Headteacher then the investigator will be a Trust Leader within PACE Academy Trust. There may be times when an experienced professional, external to the Trust is appointed to conduct the investigation. If the complaint concerns the Chief Executive Officer, a member of the Trust Leadership Group or a governor/trustee, the Chair and Vice-Chair of the PACE Strategic Board will determine who will investigate the complaint.

How we will investigate a Stage 2 complaint

The person investigating the complaint will make sure that they:

- 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 (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, allowing them to be accompanied if they wish;
- conduct the interviews with an open mind and be prepared to persist in the questioning;
- keep notes of any meetings.

If a meeting is likely to be complex or contentious the investigator may use an appropriate notetaker who may be present for this purpose virtually. An audio and/or video recording of this meeting by either the complainant or the member of staff will only be permitted in exceptional circumstances such as for accessibility purposes. Such a request must be agreed in advance by the investigator – and will require the consent of all present.

If a member of staff or the parents/carers wants to be accompanied to the interview, at least 48 hours' notice should be given.

The member of staff assigned to conduct an investigation should aim to communicate the outcome within 20 school days. The written response will include a full explanation of the decision and the reasons for it. Where appropriate it will include what action the school will take to resolve or address the complaint.

If the complainant still feels the complaint has not been resolved satisfactorily they may send a further

written request to proceed to the appeal stage (stage 3), within 10 school days. If no further communication is received from the complainant within 10 school days we will consider that the complaint has been resolved and is closed.

Stage 3 - Appeal stage

If the parent or carer is dissatisfied with the resolution or investigation of the complaint at stage 2, they may ask to proceed to the appeal stage – stage 3. The written request should be sent to the PACE Governance Professional and set out:

1. The reason why the complainant believes the complaint remains unresolved
2. The outcome they are seeking

The written request should be sent to: clerk@paceacademytrust.com

How we will run an appeals hearing (stage 3)

Within 3 working days, the PACE Governance Professional will acknowledge receipt of the request to move to Stage 3 of the policy.

Once a date and location of the hearing has been agreed, the Governance Professional will write and inform the parent or carer, the school, the investigator, and the panel of the date and location of the meeting at least 5 working days in advance of the hearing. The letter will explain how the meeting will be conducted.

The appeal panel will usually comprise three members and is likely to include the chair of the governing body, a member of the Strategic Board and another member of the governing body. On occasions it may include an experienced professional external to the trust or a senior leader/governor from another school or from the Trust Leadership Group who has not been involved in the complaint at any earlier stage.

Notification to the parent or carer should also inform him/her of the right to be accompanied to the meeting by a friend/ interpreter. Parents or carers should confirm to their intention to bring someone to the meeting at least 48 hours prior to the hearing. For the avoidance of doubt, the complainant's supporter will be present for moral support only and will not play any part in the proceedings, unless invited to do so by the Chair. The appeal hearing is not a legal hearing, and it is not appropriate for either the complainant or the school to be legally represented.

In most cases, the school will be represented by the person who dealt with the complaint under Stage 2 (the investigator). In some circumstances, they may wish to be accompanied by another member of staff for support, although that person will not play any part in the proceedings unless invited to do so by the Chair.

The relevant Head of School, Headteacher and/or the Chief Executive may attend. The panel chair will decide whether this is appropriate and will inform all of those attending if required.

When determining the appeal the appeal panel will:

- Review all previous documentation;
- Be independent and impartial. No individual may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it;
- Aim to achieve reconciliation between the school and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome if the appeal 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;
- Make the proceedings as comfortable as it can be for all of those involved. We understand that many people feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. This situation can also be hard for our staff.
- The appeal panel may meet to determine the appeal using virtual technology. Electronic recording of proceedings will not be allowed unless to enable accessibility.

Our Governance Professional (our clerk) is the contact point for the complainant and will:

- Acknowledge receipt of the appeal
- Set the date, time and venue of any hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible, which may require the use of virtual technology
- Collate any written material and send it to the parties in advance of a hearing*
- Meet and welcome the parties as they arrive at a hearing
- Make a record of the proceedings
- Notify all parties of the panel's decision.

*Any additional documentation from any party to the hearing must be submitted to the governance professional for distribution to all at least 48 hours prior to the hearing. No additional documentation will be accepted on the date of the hearing.

The chair of the panel will ensure that:

- the panel has and considers all of the relevant documents;
- the remit of the panel is explained to all parties.

The usual format of a hearing will be:

- The chair of the panel will welcome everyone, introduce the panel members and explain the procedure.
- The chair of the panel will invite the parent or carer to explain why they believe the complaint remains unresolved.
- The panel members will be invited by the chair to ask questions, if any.
- The complainant will then be asked to leave the hearing.
- The investigator will be invited to respond to the appeal and make representations on behalf of the school, then may be asked questions by the panel.
- The parent/s or carer/s and the investigator will then be asked to leave the hearing.
- In some circumstances each party may be offered a short time with the panel alone.

The appeal panel's decision

The appeal panel will meet in private, either immediately after the hearing or on a subsequent date, and will consider all of the documentation and everything that they have heard and make findings of fact and recommendations.

The panel may request further clarification from the investigator, parents/carers or from one of the witnesses on any of the information provided where they believe it necessary in order to determine the outcome of the appeal.

Findings of Fact

The appeal panel will decide which facts are established to be true, on a balance of probabilities (i.e. more likely than not). If a fact is not deemed relevant, the panel will not consider it further. The panel will make a written record of the facts that have been established, those which have not been established and those which are not relevant, with their reasons for making these findings.

Recommendations

The appeals panel will consider these facts and will make recommendations based upon them. These recommendations may be aimed at achieving reconciliation between the parties, improving procedures or preventing a recurrence in the future. The appeal panel will keep a written record of their recommendations, with reasons.

The panel can:

- Dismiss the appeal in whole or in part
- Uphold the appeal in whole or in part
- Decide on the appropriate action to be taken to resolve the complaint
- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

Notification of the appeal panel's decision

The governance professional will write within 10 school days of the panel hearing to the complainant, the investigator, and any person complained about.

The letter will set out the reasons for the appeal,-summarise how the appeal panel hearing proceeded, and confirm each of the panel's findings of fact and recommendations, if any, with reasons.

The letter will also confirm that, if the complainant believes that this Complaints Policy does not comply with the regulations, or that the school has not followed the procedure outlined in this Complaints Policy, the complainant may refer their complaint to the Department for Education for further consideration.

The governance professional will also ensure that a copy of the appeal panel's findings and recommendations is retained by the Trust.

Resolving the issue through mediation

In some instances it may be that we will ask the parent or carer to consider whether mediation might be a suitable process to settle a particular issue. Mediation is where a third party, independent to the issue helps both parties to come to a mutually acceptable outcome. Our senior leaders may consider whether it is appropriate to suggest a process of mediation at Stages 1 or 2. We will also consider any request from a parent or carer to use mediation.

If both sides agree to try mediation, we will pause our complaints process whilst we try to achieve a resolution. If the outcome of this process resolves the issue our complaints procedure will end.

Complaint procedure referred to Department for Education

If a complaint has been through all stages of this policy but the parent or carer remains dissatisfied they can refer their complaint to the Department of Education.

The Department for Education (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. However, it will look into:

- Whether there was undue delay, or the school did not comply with its own complaints procedure
- Whether the school was in breach of its funding agreement with the Secretary of State
- Whether the school has failed to comply with any other legal obligation

If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the school's complaints procedure is found to not meet these obligations, the school will be asked to correct its procedure accordingly.

https://www.gov.uk/complain-about-school

Unreasonably persistent complaints

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

- Has made the same complaint before, and it's already been resolved by following this complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Knowingly provides false information
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure

- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- Changes the basis of the complaint as the investigation goes on
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value.

Steps we will take

We will take every reasonable step to address the complainant's concerns, 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.

If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. 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, such as Citizens Advice
- Put any other strategy in place as necessary.

Stopping responding

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience.

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of aggression, threat or act of violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our school site.

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 the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If there are significant new aspects to the complaint, we will follow this procedure again in relation to the new or additional elements.

Complaint campaigns

Where the school 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.

Annex A: Complaints Form

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

Your name:

Pupil's name (if applicable):

Your relationship to the pupil:

Address:

Day time telephone number:

Evening telephone number:

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)?

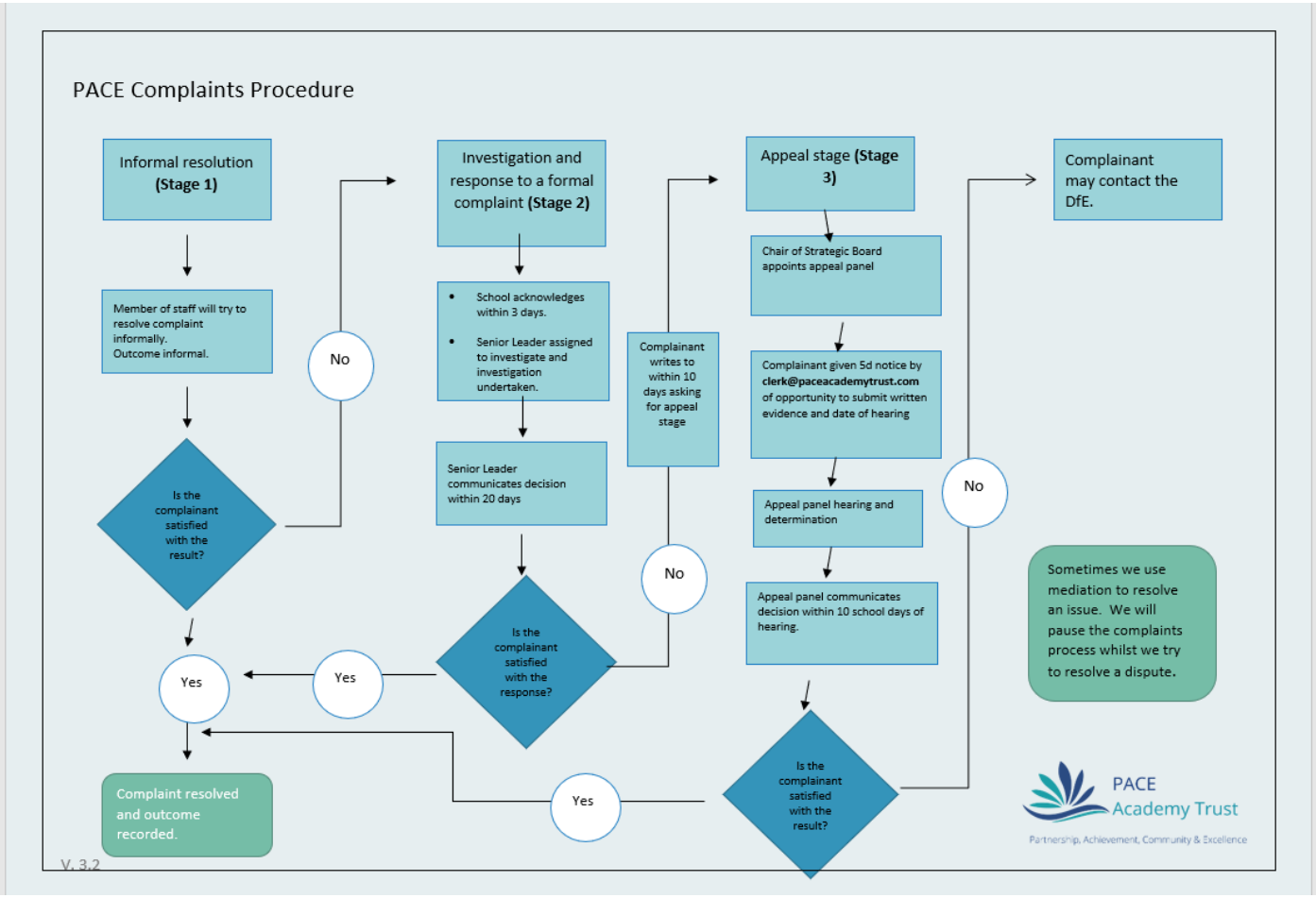
What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature:
Date:

Official use
Date acknowledgement sent:
By who:
Complaint referred to:
Date:

Annex B Flowchart of process



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