

Policy No. TRUST 1	Preston Hedge's Academy Trust
Version No. 3	COMPLAINTS PROCEEDURE

# COMPLAINTS PROCEEDURE

This section should be completed following ratification of the Policy.

	Name	Signature	Date
Chair of the Trust Board	Becky Hickford		December 2019
Vice Chair of the Trust Board	Trevor Fidler		December 2019
Chief Executive Officer	Paul Watson		December 2019
Recommended Review Date:	December 2020		

## Ownership

Preston Hedge's Academy Trust is responsible for the production and maintenance of this document. It is issued by the Clerk, [clerk@prestonhedges.org](mailto:clerk@prestonhedges.org) to whom any change requests or queries should be directed.

## Version Control

This document is issued and maintained in accordance with Preston Hedge's Academy Trust procedures. Any change to the document will increase its version number. It is the responsibility of the reader to check with the Clerk that this is a currently valid copy.

Version	Date	Description of Change	Changed By
1	December 2017	Version 1 drafted for implementation	Trust Board
2	November 2018	Annual Review	Trust Board
3	December 2019	Annual Review	Trust Board

## **Preston Hedge's Academy Trust - How to make a complaint**

**The three stages involved in raising concerns, or making a complaint are as indicated**

### **below: General Principles:**

- This procedure is intended to allow you to raise a concern or complaint relating to an individual school, or the services that it provides.
- An anonymous concern or complaint will not be investigated under this procedure, unless there are exceptional circumstances, (for example, Safeguarding).
- To allow for a proper investigation, concerns or complaints should be brought to the attention of the individual school as soon as possible. In general, any matter raised more than 3 months after the event, being complained of, will not be considered.

### **Parents/ Carers raising a complaint**

Sometimes things happen which make children or parents unhappy. It is important that parents/carers feel able to raise concerns. The Trust's priority will always be a child's welfare.

In most cases, concerns and complaints can be resolved by talking to staff at the individual school. Sometimes parents may wish to raise a more formal complaint.

There are three main stages involved in raising concerns or making a complaint.

### **Timescales for dealing with a complaint**

Ideally, complaints should be dealt with quickly, but if the complaint is complicated or requires detailed investigation, it may take longer to finalise. However, once a complaint has been lodged with the Trust, the complainant will receive an initial written response acknowledging receipt and setting out the timescales within 5 working days. In terms of requesting panel hearings, we will endeavour to meet within 3 working weeks. If the complaint is of a complex nature, the designated officer may involve outside agencies and these can be subject to taking a longer duration of time.

## **Making a complaint (excluding against the Principal/Headteacher)**

### **Stage 1 - Initial approach- concerns considered on an informal basis**

It is important that parents contact the individual school first with their concerns and talk to the teacher wherever possible in the first instance. Most concerns can be resolved this way.

If this is not practical or possible, your complaint should be made to the Principal/Headteacher, (contact in person, by phone, or an email for request for contact are all sufficient). Most problems can be sorted out in this way easily and informally and the Trust and its Principal/Headteachers will always take your concern seriously.

### **Stage 2 - Raise a formal complaint**

When a parent is still unhappy, the next stage is to raise a formal complaint in writing to the Principal/Headteacher of the individual school. The Principal/Headteacher will need you to provide as much information as possible to aid with investigating your complaint and will aim to complete their investigations into the issue as swiftly as practical. They will let you know what to expect in terms of what they will do and how quickly as much as is practical or appropriate to do so. They will do their best to keep you informed and a response may either be by way of writing or further discussions with yourself before placing the response in writing.

### **Stage 3 - Appeal to Governors**

If you are unhappy with the response of the individual school's Principal/Headteacher, you may elevate your complaint to that school's Chair of Governors who will investigate how the Principal/Headteacher has looked at your complaint and that this has been carried out correctly.

In more complex cases, The Chair of Governors can be contacted in writing for the request of a hearing and may offer the opportunity for a complaint to be heard by a panel of the Governing Body if they believe that this is needed.

The person or persons making the complaint would then be asked to meet with the panel and explain the complaint and how the complaint was investigated, including conclusions given by the Principal/Headteacher . The panel will evaluate the evidence put forward in relation to the complaint and consider the school's response, before putting their decision in writing.

To raise a concern with a school's Chair of Governors, contact the individual school directly.

## **Right to Appeal**

If you are still unhappy with the outcome, you are able to contact The Trust Board via [claire.clayson@prestonhedges.org](mailto:claire.clayson@prestonhedges.org). The board would look at how the process has been carried out and would follow the same procedures as the Governing Body as set in Stage 3. The panel will consist of three people who were not directly involved in the complaint and that one panel member will be independent of the management and running of the school. The person who made the complaint will be able to attend and are able to be accompanied if they wish.

## **Complaints against one of the Trust 's Principal/Headteachers**

### **Stage 1 - Initial approach**

Where the person feels able to, we ask that you approach the individual Principal/Headteacher to discuss your complaint first. If this is not satisfactorily resolved, or this is not practical, you should seek to contact that school's Chair of Governors. This is the opportunity to resolve issues easily, in the manner that a Principal/Headteacher would as above.

To raise a concern with a school's Chair of Governors, contact the individual school directly.

### **Stage 2 – Raise a formal complaint**

When a parent is still unhappy, the next stage is to raise a formal complaint in writing to the school's Chair of Governors. The Chair of Governors will need a complainant to provide as much information as possible to aid with investigating a complaint and will aim to complete their investigations into the issue as swiftly as practical. They will let you know what to expect in terms of what they will do and how quickly as much as is practical or appropriate to do so. They will do their best to keep a complainant informed and a response may either be by way of writing or further discussions with the complainant before placing the response in writing. The CEO of the Trust will be made aware of the complaint at this point. Where the complaint is made against the CEO, the Chair of the Trust will be notified.

### **Stage 3 - Appeal to Governors**

#### **Right to Appeal**

If a parent is still unhappy with the outcome, they are able to contact The Trust Board via [claire.clayson@prestonhedges.org](mailto:claire.clayson@prestonhedges.org). The Trust Board would look at how the process has been carried out and would follow the same procedures as the Governing Body as set in Stage 3. The panel will consist of three people who were not directly involved in the complaint and that one panel member will be independent of the management and running of the school. The person who made the complaint will be able to attend and are able to be accompanied if they wish.

It is vital that if a complaint involves a Safeguarding issue, the Senior Designated Safeguarding Lead in the individual school where the complaint is lodged must be made aware. In the case of one of the Principal/Headteacher's being that person, a member of the Trust should contact the Vice Principal/Headteacher for Safeguarding within the Trust. Should this not occur, those individuals who been complained about may contact the Designated Safeguarding Officer for Northamptonshire. Any individual, including a parent complaining, is able to contact directly themselves if they remain concerned about the individual whom they originally complained about. They can be contacted via Mash on 0300 126 3000 or by the following <http://www.northamptonshirescb.org.uk/about-northamptonshire-safeguarding-children-board/who-is-who/designated-officer/>

In respect to a member of staff or Principal/Headteacher complained about, it is important for someone making a complaint to understand what happens afterwards and what records will be retained.

What happens following the panel hearing?

The panel will make findings and recommendations that will be -

Provided to the complainant  
 Where relevant, to the person complained about  
 Held on the school premises by the proprietor and the Headteacher  
 Recorded and stored alongside all other complaints that are made where the parent has not been satisfied with the response made at the point the procedure has become formal.

All records will also show the point at which the complaint was resolved. ie- at formal procedure or following a panel hearing. The records will also show what action has been taken by the school as a result of the complaint regardless of whether they are upheld.

Records will include correspondence, statements and records relating to individual complaints and are stored securely and confidentially except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

**Complaints not made by parents, but from individuals or organisations will follow the same procedures. The table below should provide further support for where to direct your initial complain**

Nature of complaint	To whom in the First Instance
Complaint about a school's Governing Body	The Trust Board
Complaint of minor issue (unreasonable exercise of discretion by the Principal/Headteacher). Eg – not selecting a volunteer	Principal/Headteacher (Chair Of Governors if feel unable to talk to the Principal/Headteacher)
Complaint of more serious nature regarding one of the Principal/Headteachers	The individual school's Chair of Governors
Allegation about the conduct of a member of staff within a school	The individual school's Principal/Headteacher
Allegation about the conduct of the Principal/Headteacher within one of the Trust' schools	The individual school's Chair of Governors
Allegation of verbal or physical assault by employee against pupil by a member of staff within a school	The Senior Designated Safeguarding lead and Principal/Headteacher of that school
Allegation of verbal or physical assault by an employee against pupil by the Principal/Headteacher of one of the schools	The individual school's Senior Designated Safeguarding lead and Chair of Governors
Allegation about capability of a member of staff within a school	The Principal/Headteacher of that school
Allegation about the capability of the Principal/Headteacher of a school	Chair of Governors of the school involved
Conduct of another pupil. EG – bullying	Principal/Headteacher and Designated safeguarding lead (in relation to safeguarding issues)

	of the school involved
Discipline/ behaviour/ exclusion of a pupil	Principal/Headteacher of that school
Any system failure in an individual school's policy	Principal/Headteacher of that school
Admissions	The Trust Board
Out of hours – Studio Club Provision	After school club manager/ Principal/Headteacher of the school involved
Management of a Safeguarding Issue	Senior Designated Safeguarding Lead within that school, (Principal/Headteacher where the complaint is the SDSL)
All other complaints	Contact the individual school's Principal/Headteacher for further advice

### Annex 1 Investigation Procedure

The investigation of an allegation or a complaint should always be carried out thoroughly and responsibly, irrespective of whether the complaint appears to be trivial or serious. The outcome of such an investigation will have significance not only for the complainant but also for any member of staff against whom a complaint has been made.

Any anonymous complaint will not be investigated, unless there are exceptional circumstances. These would include serious concerns such as Child Protection issues or bullying allegations, where the school should either involve appropriate external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.

### Preparing for an Investigation

Where the school receives a formal complaint, it should be acknowledged and a commitment made that the complaint will be investigated and the outcome of the investigation notified to the complainant in due course.

It is essential that there is a clear understanding of the complaint. Where necessary the nature of the complaint should be confirmed with the complainant. e.g. through an initial meeting. [If an investigator is appointed there may need to be more detailed follow-up.] Any member of staff against whom a complaint has been made, should be notified that a complaint has been received and that the appropriate school procedure will be followed. It is usually not appropriate to provide the member of staff with details of the evidence on which the complaint is based until any investigation has been completed. However, the member of staff does need to be able to understand the nature of any allegations against them. Once any complaint has been confirmed the school needs to determine which procedure is most appropriate and to select an appropriate person to conduct any investigation.

## **Conducting the investigation**

The investigation must be carried out in accordance with the provisions of the relevant procedure. Arrangements should be agreed so that accurate notes can be taken of all interviews and the outcome of the investigation be accurately recorded. The complainant should be given the opportunity to offer documentation and to identify potential witnesses or sources of evidence.

The member of staff subject to the complaint should be advised that they may be accompanied by a friend or trade union representative when invited to be interviewed. Where children are potential witnesses, discretion should be exercised over their involvement.

Pupils should only be interviewed when the nature of the complaint is sufficiently serious to warrant it and adult witnesses are not available. Only in extreme circumstances will younger pupils be interviewed.

Any interviews should be conducted as soon as possible to ensure that recollections are as fresh as possible and to minimise the possibility that evidence will become tainted through witnesses discussing alleged incidents with other persons. In conducting interviews, the investigator should prepare the questions to be asked prior to the interview. These can always be supplemented during the interview. The investigator should allow the interviewee to answer in their own way. Their responses should be listened to attentively. Any temptation to cut an interviewee short or to seek to "lead" them must be resisted. The interviewee should be given the opportunity of providing other relevant information at the end of the interview.

Interviewees should, however, be advised that their responses must be confined to the substance of the complaint. Any attempt by the interviewee to introduce information relating to other members of staff or to issues unrelated to the complaint should be resisted. The investigator should avoid reaching conclusions or passing judgement until the investigation has been completed and their report is being written.

## **Concluding the investigation**

The report may contain:

- a brief outline of the process that has been followed
- a statement of the complaint/concern
- a summary of the findings, linked to the relevant evidence
- any recommendations for future action
- annexes containing copies of witness statements and other evidence collected during the investigation

The report of the investigation will usually be confidential to the school, as it is likely to contain sensitive personal information. If a request is received to release the report, under either the Data Protection Act or Freedom of Information, the school should seek legal advice from their legal representative.

A summary of the process undertaken and the outcome of the investigation may be provided to the complainant. Caution must be exercised in reporting back to the complainant as revealing certain details may prejudice the ability of an employee to continue in post.



Following consideration of the report by the relevant body, any final recommendations may also be shared with the parties, unless there is good reason not to do. Wherever possible, recommendations should be constructive and not punitive.

The complainant should be advised that he/she may, if they are not satisfied that the appropriate procedure has been followed, request a review of that process as stated above.