



Summary:

The complaints policy outlines the procedure for raising complaints and/or concerns in relation to Pontefract Academies Trust and/or schools.

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1. Introduction

Pontefract Academies Trust is committed to ensuring that all students are provided with a first-class educational experience and that each school works in a productive and positive partnership with all parents and carers. However, if a parent/carer feels that a situation has arisen that they are unhappy about, they have a right to make a complaint. Any and every complaint made will be taken seriously and dealt with swiftly and professionally. All parents/carers will be made aware of this policy and the procedures to follow if they wish to make a complaint.

2. Who can make a complaint?

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 any school within Pontefract Academies Trust 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.

3. Complaints about third parties

Should parents/carers have a complaint about services provided by other suppliers/providers or companies who may use school premises or facilities, the supplier/provider should be contacted directly, and the complaint will be dealt with under their own complaints policy and not via the Trust.

4. Serial, persistent, and unreasonable complaints

This policy aims to limit the number of complaints that become protracted. However, there will be occasions when, despite the complaint procedure being followed, the complainant remains dissatisfied. If a complainant tries to re-open the same issue, they will be informed that the procedure has been completed and that the matter is now closed.

All schools will not normally limit the contact complainants have with the school however, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive, or threatening.

Pontefract Academies Trust defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'.

A complaint may be regarded as unreasonable when the person making the complaint:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaint's procedure;
- insists on the complaint being dealt with in ways which are incompatible with the Trust's approved complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;

- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Education and Skills Funding Agency;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent/lengthy/complicated and/or stressful contact with staff regarding the complaint in person, in writing, by email and/or by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- maliciously;
- aggressively;
- using threats, intimidation, or violence;
- using abusive, offensive, or discriminatory language;
- knowing it to be false;
- taking videos or recordings of pupils or staff without their consent.
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email, or text) as it could delay the outcome being reached.

Whenever possible, the Headteacher will discuss any concerns with the complainant informally before applying an 'unreasonable' marking to the complaint.

If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

Any communications about the complaint received outside the set communication plan will be ignored, and persistence non-adherence to the communication plan may result in the school ceasing responding altogether, about matters other than those for which we have a statutory responsibility. If this decision is taken, we will write to the complainant advising them of this.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the school.

5. The difference between a concern and a complaint

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

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

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 complaint's procedure. Pontefract Academies Trust takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

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

6. Anonymous complaints

We will not normally investigate anonymous complaints. However, the Headteacher will determine whether the complaint warrants an investigation upon receipt.

7. Timescales

The complaint must be raised within three months of the incident. We will only consider complaints made outside of this time frame if exceptional circumstances apply. Any complainant who makes a complaint outside of the timescale will be informed that the complaint will not be investigated, and the matter is now closed.

8. Complaints received outside of term time

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

9. Scope of this complaint's procedure

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

Exceptions	Who to contact
Admissions to schools	Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our safeguarding and child protection policy, and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding, or the Multi-Agency Safeguarding Hub (MASH).
Exclusion of children from school*	Further information about raising concerns about exclusions can be found at www.gov.uk/school-discipline-exclusions/exclusions . *Complaints about the application of the Behaviour & Relationships Policy can be made through the schools' complaints procedure.

Whistleblowing	<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 directly with their employer. Referrals can be made at www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure.</p>
Staff grievances	Complaints from staff will be dealt with under the school's internal disciplinary procedures.
Staff conduct	<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 staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>

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. If this happens, we will inform you of a proposed new timescale.

If a complainant commences legal action against any school within Pontefract Academies Trust in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

10. Resolving complaints

At each stage in the procedure, the aim is to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following if deemed appropriate:

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

11. Duplicate complaints

If a duplicate complaint is received about the same subject as a previous complaint (for example, from a spouse, partner, grandparent, child) we will inform the new complainant that the Trust has already considered that complaint and the process is complete.

12. Withdrawal of a complaint

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

13. Stage 1 – informal complaints/concerns

It is hoped that most concerns can be expressed and resolved on an informal basis.

Concerns should be raised with an appropriate member of school staff, for example, the class teacher, Student Liaison Officer, or Curriculum Leader. Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis.

We will provide a response by the end of the next school day following receipt of your concern. If this is not possible, we will explain to you the reason for the delay. For example, we may wish to speak with the complainant to gather more information.

If the issue remains unresolved, the next step is to make a formal complaint.

14. Stage 2 – formal complaints

Should the complainant be dissatisfied with the outcome of the informal complaint, a formal complaint must be made in writing to the school's Complaints Co-Ordinator within 10 school days of receiving the response to the informal complaint using the complaints form (Appendix A). Details can be located on individual school websites.

The Complaints Co-Ordinator will record the date the complaint is received and will acknowledge receipt of the complaint in writing (usually by email) within three school days. In this communication, the Complaints Co-Ordinator will confirm which Senior Leader your complaint has been assigned to. They will also provide a copy of the Complaints Policy and Procedure and the date by which a response will be sent. The school will aim to finish stage 2 within 10 school days. If this is not possible, the Complaints Co-Ordinator will explain the delay and give a revised date by which a response will be sent.

In the case of a complaint about an Assistant Headteacher, the Deputy Headteacher will investigate.

In the case of a complaint about a Deputy Headteacher, the Headteacher will investigate.

In the case of a complaint about the Headteacher, the complaint must be directed to the CEO, reachable via adminsupport@ptrust.org.uk.

In the case of a complaint about the CEO, the complaint must be directed to the Chair of Trustees, reachable via adminsupport@ptrust.org.uk.

The senior leader investigating the complaint will contact the complainant in writing to provide an opportunity for a meeting and/or to provide any additional information they feel is relevant to the complaint. The complainant may be accompanied to any meeting by a friend, relative, representative, or advocate who can speak on their behalf with their permission. The senior leader should be made aware if you have any additional requirements, for example, a disability which should be considered prior to the meeting. Interpretation facilities are available if needed.

A full written response will include a full explanation of the decision and the reasons for it. Where appropriate, this includes what action the school will take to resolve the complaint.

If the complainant is dissatisfied with the outcome at stage 2, the complaint can be escalated to stage 3. This can be done in writing to the Complaints Co-Ordinator within 10 school days of receipt of the written response to stage 2.

In exceptional circumstances, if it becomes evident that during stage 2 of a complaint that an escalation to stage 3 would not be beneficial to either party, closure may occur before a complaint has reached stage 3 to avoid unnecessary use of time and resources. Sometimes it is simply a case of 'agreeing to disagree.'

15. Stage 3 – panel hearing

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 request to escalate to stage 3 must be made to the Complaints Co-Ordinator within 10 school days of receipt of the stage 2 response using the complaints form (Appendix A).

Stage 3 is a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint, with one panel member who is independent of the management and running of the school (for example, this may be another Headteacher from within the Trust).

The Complaints Co-Ordinator will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within three school days.

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

The Complaints Co-Ordinator will write to the complainant to inform them of the meeting date. They will aim to convene a meeting within 15 school days of receipt of the stage 3 request. If this is not possible, the Complaints Co-Ordinator will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Complaints Co-Ordinator will decide when to hold the meeting. It will then proceed in the complainant's absence based on written submissions from both parties.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the panel 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.

Representatives from the media are not permitted to attend.

The complainant must submit any further written material they wish to include at this stage to the Complaints Co-Ordinator at least 10 school days before the meeting.

At least five school days before the meeting, the Complaints Co-Ordinator 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.

Any written material will be circulated to all parties at least five school days before the meeting date. The committee will not usually accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

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 1 of this procedure.

It is the responsibility of the Clerk to the panel, usually the Headteacher's PA or appropriate Office Manager, to ensure that the meeting is properly recorded. If the hearing is to be digitally recorded, this will be made clear to the attendees and deleted once transcribed. No other recordings will be authorized. Attendees must not record the hearing covertly. The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part.
- dismiss the complaint in whole or in part.

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

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

The Chair of the Committee will provide the complainant with a full explanation of their decision and the reason(s) for it, in writing, within 15 school days.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with how the Trust has handled their complaint.

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 the Trust will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the Headteacher.

A record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceeded to a panel hearing, along with what actions have been taken, regardless of the decision in line with our retention policy.

All correspondence statements and records relating to individual complaints will 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.

This is the final stage of the complaint procedure. If the complainant remains dissatisfied with the outcome of the stage 3 process and how the complaint has been handled, they may choose to contact the Education and Skills Funding Agency.

16. Closure of complaints

Very occasionally and regretfully it may be necessary to close a complaint where the complainant is still dissatisfied. We will do all we can to help to resolve a complaint but sometimes it is simply not

possible to meet all of the complainant's wishes. Sometimes it is simply a case of "agreeing to disagree."

If a complainant persists in making representations to the school (the Headteacher, CEO, or another interested party), it can be extremely time-consuming and can detract from our responsibility to look after the interests of all the children in our care.

For this reason, we are entitled to close correspondence (including personal approaches, as well as letters and telephone calls) on a complaint where we feel that we have taken all reasonable action to resolve the complaint and that the complainant has exhausted our official process. Pontefract Academies Trust will support this position, especially where the complainant's actions are causing undue distress to staff and/or students.

In exceptional circumstances, if it becomes evident during stage 2 of a complaint that an escalation to stage 3 would not be beneficial to either party, closure may occur before a complaint has reached stage 3 to avoid unnecessary use of time and resources. It may be decided therefore, that every reasonable action has been undertaken to resolve the complaint and that a complaints review panel would not help to move things forward.

17. Next steps

If the complainant believes the school/Trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed the complaints process.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the Trust. They will consider whether the Trust has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).

The complainant can refer their complaint to the ESFA online at: <http://www.education.gov.uk/contactus>, by telephone on 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit
Education and Skills Funding Agency
Cheylesmore House
5 Quinton Road
Coventry
CV1 2WT

Appendix A – Complaints Form

Please complete the form and return to the school or email this completed form to the school.

Your Name:
School Name:
Students name (if relevant):
Your relationship to the student (if relevant):
Address: Postcode: Day time telephone number: Evening telephone number: Email address:
Please give details of your complaint, including whether you have spoken to anybody at the school about it.
What actions do you feel might resolve the problem at this stage? What would you like the outcome to be?
Are you attaching any paperwork? If so, please give details.