



COMPLAINTS POLICY

April 2019

Passmores Co-operative Learning Community

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The PCLC Trustees formally approved the policy on 4th April 2019

The policy will be reviewed at least every two years.

Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at Passmores Co-operative Learning Community (PCLC) schools. Any person, including members of the public, may make a complaint to PCLC 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 (see Appendix 12 for complaints outside the scope of this policy), we will use this complaints procedure.

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 complaints procedure. PCLC takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

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

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

How to raise a concern or make a complaint

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.

Dealing with concerns informally

PCLC recognises that a vast majority of complaints and concerns can be resolved informally. The complainant must feel able to raise concerns and complaints with members of staff, either in person, by telephone, or in writing. A preliminary discussion may be undertaken to help clarify if he or she is making a complaint or expressing an opinion, and whether they wish to take it further.

- The complainant will be able to bring a friend to any discussion.
- The member of staff dealing with the concern will make sure that the complainant understands what action (if any) or monitoring of the situation has been agreed.
- The process will be completed quickly and concluded in writing with appropriate detail.

- Where no satisfactory solution has been found, the complainant will be informed that he or she will need to consider whether to make a formal complaint in writing to the co-principal/headteacher. To assist in this process, a complaint form will be provided. (See Appendices 2 and 3).

Complainants should not approach individual governors to raise concerns or complaints. Governors have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 and 4 of the procedure.

Complaints against school staff (except the headteacher/co-principal) should be made in the first instance by contacting the co-principal/headteacher by email/letter or via the school office. Please mark correspondence Private and Confidential.

Complaints that involve or are about the headteacher/co-principal should be addressed to the Chair of the Local Governing Body. Please mark them as Private and Confidential and send via the school office to the PCLC Governance Officer.

Complaints about the school's Chair of the Local Governing Body, the Chair of Trustees, any individual local governor, trustee or the whole governing body should be addressed to the Governance Officer, Passmores Academy, Tracyes Road, Harlow CM18 6JH or by email to Mrs Bartram at d.bartram@passmoresacademy.com . Please mark as Private and Confidential.

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.

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.

Anonymous complaints

We will not normally investigate anonymous complaints. However, the headteacher/co-principal or Chair of the Local Governing Body, if appropriate, will determine whether the complaint warrants an investigation.

Time scales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

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.

Special Circumstance and Complaints outside the scope of this policy (see also PCLC Safeguarding/ Child Protection Policy and Staff Code of Conduct.)

- If the complaint suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual harassment or neglect, it may be referred without further notice to the children's social care and/or to the social services authority for the area in which the child lives.
- Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions; certain decisions relating to formal assessment of special educational needs; and decisions to permanently exclude a child.
- 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 a complainant commences legal action against any PCLC school 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.

Complaints under special circumstances are handled with full confidentiality and neither process nor outcome are revealed to the complainant.

Resolving complaints

At each stage in the procedure, PCLC wants 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:

- 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.

Withdrawal of a Complaint

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

Monitoring and recording complaints

At all stages of the complaints procedure, the following information will be recorded:

- Name of the complainant
- Date and time at which the complaint was made
- Details of the nature of the complaint

- Desired outcome of the complainant
- How the complaint is being investigated (including written records of any interviews held)
- Results and conclusions of investigations
- Any action taken
- Further responses from the complainant
- Any subsequent action if required

The records will be held at the relevant PCLC school by the co-principal/headteacher. If the complaint has been escalated to a complaints appeal panel, the PCLC Governance Officer will maintain these records.

Whilst we will seek to resolve concerns and complaints to the satisfaction of all parties, it may not be possible to achieve this in every case. PCLC will ensure every reasonable step to address the complainant's needs has been taken and the complainant has been given a clear statement of the school's position and their options (if any). However, if any of the following circumstances apply, we will use our option to close a complaint before all the stages of the school's procedures have been exhausted:

- The complainant states it is their intention to cause disruption or inconvenience;
- The complainant sends letters or emails and/or makes telephone calls that are often or always abusive or aggressive;
- The complainant makes insulting personal comments about or threats towards staff. See Appendix 11 for the PCLC's policy for dealing with unreasonable complaints.

1. Complaints procedure

Stage 1 - Complaint heard by staff member or independent investigator

- Parent/carer/guardian discusses their concern with the child's class teacher/form tutor or, if they prefer, another member of the school's teaching staff.
- Where the complaint concerns the co-principal/headteacher, this will need to be made in writing, marked 'confidential' for the attention of the Chair of the Local Governing Body, and sent via the school office to the PCLC Governance Officer. The Chair or other suitably skilled trustee will seek to resolve the issue informally before, if necessary, moving directly to Stage 4.
- Complaints against the chair of the local governing body, chair of trustees, any individual governor or trustee, the entire local governing body or Trust Board, or the majority of the local governing body or Trust Board, should be made in writing and sent via the school office to the PCLC Governance Officer. Stage 1 will be considered by an independent investigator appointed by the trustees. At the conclusion of their investigation, the independent investigator will provide a formal written response to the complainant.

If a resolution cannot be sought at this level, or the complainant is dissatisfied with the outcome of these initial discussions, then the parent/carer/guardian may wish to escalate the complaint to the next level of the procedure.

Stage 2 - Complaint heard by co-principal/headteacher

Formal complaints must be made to the co-principal/headteacher (unless they are about the co-principal/headteacher or members of the local governing body or Trust Board), via the school office. This may be done in person, in writing (preferably on the Complaint Form, Appendix 2), or by telephone.

The co-principal/headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) as soon as reasonably practical to avoid any possible worsening of the issue.

Within this response, the co-principal/headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The co-principal/headteacher can consider whether a face to face meeting is the most appropriate way of doing this.

Note: The co-principal/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 co-principal/ headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the co-principal/headteacher will provide a formal written response within **fifteen** school days of the date of receipt of the complaint.

If the co-principal/headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

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 school** will take to resolve the complaint.

The co-principal/ headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

Stage 3 – Complaint heard by the Local Governing Body Chair of Governors

As soon as reasonably practical, the parent/carer/guardian will request an appointment to see the Chair of the Local Governing Body.

- The Chair will contact the parent/carer/guardian as soon as possible to arrange a mutually convenient time to meet, subsequently confirming this in writing. The

complainant may be accompanied by a friend or relative if they wish. The Chair of governors may also be accompanied by a suitable person. All parties must be notified of additional persons who will be attending in advance of the meeting.

- Following discussion of the complaint at the meeting, the Chair will investigate fully and communicate findings and/or resolutions to the complainant verbally or in writing, depending on the nature of the issue.
- Stage 3 will be completed within **fifteen** school days. However, it is recognised that where the case is complex, it may prove difficult to meet this time constraint. In such cases, the Chair will write to the complainant giving a revised target date.
- If the parent/carer/guardian is not satisfied with the outcome at this stage, the complaint can progress to the next level for review by a complaints appeal panel.

Stage 4 – Complaint heard by complaints appeal panel

If the complainant is dissatisfied with the outcome at Stage 3 and wishes to take the matter further, they can escalate the complaint to Stage 4 – a meeting with members of the PCLC governing body’s complaints committee, which will be formed of the first three impartial trustees / local governors available (a minimum of two trustees must sit on the committee). Only panel members who have not been involved at an earlier stage of the complaint may be appointed. This is the final stage of the complaints procedure.

If the complaint is:

- jointly about the Chair and Vice Chair of the Local Governing Body or
- the entire local governing body or
- the majority of the local governing body

Stage 4 will be heard by a committee of PCLC trustees who are not also serving on the local governing body that the complaint refers to.

If the complaint is:

- jointly about the Chair and Vice Chair of the Trust Board or
- the entire PCLC Trust Board or
- the majority of the PCLC Trust Board

Stage 4 will be heard by a committee of independent governors from other schools or colleges.

A request to escalate to Stage 4 must be made to the PCLC Governance Officer, via the school office, within five school days of receipt of the Stage 3 response.

The Governance Officer 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 Governance Officer will write to the complainant to inform them of the date of the complaints appeal panel meeting, aiming to convene this meeting within twenty school days of receipt of the Stage 4 request. If this is not possible, the Governance Officer will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Governance Officer 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.

Prior to the meeting, the complaints committee will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three governors from PCLC available, the Governance Officer will source any additional, independent governors through another local school or college in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 4. This will be at the Trust Board's discretion and only under certain circumstances.

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.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Any parties in addition to this may only attend the meeting at the discretion of the committee, who must be notified in advance of the meeting. Generally, neither party is encouraged 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.

Note: 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.

At least seven school days before the meeting, the Governance Officer 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
- request copies of any further written material to be submitted to the committee at least seven school days before the meeting.

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

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 the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken. 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 and co-principal/headteacher with a full explanation of their decision and the reason(s) for it, in writing, within fifteen school days.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by PCLC.

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 PCLC will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

Next Steps

If the complainant believes the school 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 Department for Education after they have completed Stage 4.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by PCLC. They will consider whether PCLC has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD.

Appendix 1 Roles and Responsibilities

Complainant

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

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

Investigator

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

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

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the co-principal/headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The co-principal/headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Complaints Co-ordinator (this could be the headteacher / designated complaints governor or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, headteacher, Chair of Governors, Governance Officer and LAs (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
 - sharing third party information
 - 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
- keep records.

Governance Officer

The Governance Officer is the contact point for the complainant and the complaints appeal panel members and should:

- 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)
- 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
- collate any written material relevant to the complaint (for example; stage 4 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

Committee Chair

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

- both parties are asked (via the Governance Officer) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- 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
- 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
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

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

- 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
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- 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
- the meeting is minuted
- they liaise with the Governance Officer (and complaints co-ordinator, if the school has one).

Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant.
- 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.
- many complainants will feel nervous and inhibited in a formal setting

Parents/carers often feel emotional when discussing an issue that affects their child.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The committee should respect the views of the child/young person and give them equal consideration to those of adults.

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.

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.

- the welfare of the child/young person is paramount.

Appendix 2: Complaint Form: Stage 2

If you have tried unsuccessfully to resolve your complaint a member of staff and wish to take the matter further, please complete this form and send it to the co-principal/headteacher. If your complaint is against the co-principal/headteacher, please complete this form and send it to the chair of the local governing body via the PCLC Governance Officer)

Your name:	
Pupil's name:	
Your relationship to the pupil:	
Address:	
Postcode:	
Daytime telephone number:	
Evening telephone number:	
Details of your complaint:	
What action, if any, have you already taken to try and resolve your complaint?	
What action do you feel might resolve the problem at this stage?	
Are you attaching any paperwork? If so, please give details.	
Signature:	
Date:	
Office use only	
Date acknowledgement sent:	
Acknowledgement sent by:	
Complaint referred to:	
Date:	

Appendix 3: Complaints form: Stage 3

Please complete and return to (Chair of Local Governors via PCLC Governance Officer), who will acknowledge receipt and explain what action will be taken.

Your name:	
Pupil's name:	
Your relationship to the pupil:	
Address:	
Postcode:	
Daytime telephone number:	
Evening telephone number:	
Details of your complaint:	
What action, if any, have you already taken to try and resolve your complaint?	
What action do you feel might resolve the problem at this stage?	
Are you attaching any paperwork? If so, please give details.	
Signature:	
Date:	
Office use only	
Date acknowledgement sent:	
Acknowledgement sent by:	
Complaint referred to:	
Date:	

Appendix 4: letter to complainant for a stage 3 complaint

An example of a letter that the Chair of the Local Governing Body may send to the complainant, upon receipt of a complaint at Stage 3.

Dear (insert addressee's name),

Thank you for your phone call/letter dated (insert date) setting out the reasons why you are not satisfied with the [Co-Principal's/Headteacher's*] response to your complaint about (insert details of complaint).

I am writing to confirm our meeting at [school name] will take place on [insert date and time] to discuss your complaint, in accordance with our school's complaints procedure, a copy of which is enclosed.

I look forward to meeting you.

Yours sincerely,

**Delete as appropriate*

Appendix 5: letter to complainant for a Stage 4 complaint

An example of a letter that the Chair of Trustees/nominated local governor/trustee may send to the complainant, upon receipt of a complaint at Stage 4.

Dear (insert addressee's name),

Thank you for your letter dated (insert date) setting out the reasons why you are not satisfied with the [Chair of Governor's response to your complaint about (insert details of complaint)].

I am writing to let you know that I will be arranging for a complaints appeal panel to consider your complaint, in accordance with our school's complaints procedure, a copy of which is enclosed.

As explained in the procedure, the PCLC Governance Officer will advise, in writing, how the complaints appeal panel intends to consider your complaint.

Yours sincerely,

[Chair of the Local Governing Body/ nominated governor]

Appendix 6: letter for complaints against co-principal / headteacher

Dear (insert addressee's name),

I have received your complaint against the [co-principal/headteacher*] of (insert school/academy name).

I write to let you know that I have forwarded a copy of your complaint to the [co-principal/headteacher*] with a request that [he/she*] responds to the issues raised in the complaint within 10 school days.

A copy of the [co-principal's /headteacher's*] response will be sent to you as soon as possible.

If you are not satisfied with the [co-principal's /headteacher's*] response, I will arrange for a complaints appeal panel to consider your complaint in accordance with Stage 4 of the attached complaints procedure.

As explained in the procedure, the PCLC Governance Officer will advise you, in writing, how the complaint will proceed.

Yours sincerely,

Chair of the Local Governing Body

- *Delete as appropriate*

Appendix 7: Acknowledgements of receipt of formal complaint and advising complainant that the matter is being dealt with under a confidential school procedure

Dear

I have received your formal complaint, dated I am grateful that you have brought this to my attention. The school and governing body take any complaint most seriously. Therefore, I have initiated an immediate investigation. It is possible that the investigator will wish to meet with you to clarify the evidence that you have provided so far. If so, [he/she*] will write to you to make suitable arrangements.

As your concerns relate to the conduct/capability of a member of staff, the investigation will be carried out under the school's personnel procedures. This means that the detail of the procedure and its outcome must remain confidential to the school and the member of staff concerned.

OR

As your concerns relate to the behaviour of a pupil, the investigation will be carried out under the school's pupil conduct and disciplinary procedures. This means that the detail of the procedure and its outcome must remain confidential to the school and the parents of the child concerned. In any event, I will let you know when the matter has been concluded.

If I can be of any further assistance, please do let me know.

Yours sincerely

Head Teacher/co-principal or chair of the local governing body

- *Delete as appropriate*

Appendix 8: Notification of decision following formal complaint

Dear

Following receipt of your complaint and careful consideration of all the available relevant evidence, I/the panel have/has concluded that:

There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld. If you are able to provide additional evidence forthwith I/we will reconsider this decision.

OR

The concern is not substantiated by the evidence in that •

OR

The concern was substantiated in part/in full, as The school will review its practices/procedures with the intention of avoiding any reoccurrence. Parents will be informed in due course of any policy changes.

OR

In order to address fully the matters investigated, the school has initiated appropriate internal procedures. Due to the nature of these procedures, their outcome must remain strictly confidential. We are confident, however, that the circumstances that gave rise to your complaint should not recur.

OR

In order to address fully the matters of concern that you identified, the panel recommended that the governing body should review its policy, as a matter of urgency. We are confident that this should prevent similar concerns arising in future.

I hope that we may now put this matter behind us and work together for the benefit of your child's progress.

Yours sincerely,

Head Teacher/Co-Principal/Chair of Local Governing Body/Chair of Panel

Appendix 9: Response to spurious complaint

Dear

Following receipt of your communications and careful consideration of the same, I regret that I am unable to deal with this matter under the PCLC's complaints procedure as:

[Include SOME of the following statements, as appropriate:]

- You have not identified any specific actions of which you might complain.
- Your concerns are presented as conclusions rather than specific actions of which you complain.
- The concerns that you identify relate to historical actions and any evidence which might have enabled an objective investigation of your complaint is no longer available.
- The substance of your complaint has been addressed under this procedure already.
- The concerns that you raise do not fall within the scope of this procedure.
- You have not identified any potential sources of evidence which might allow the matter to be investigated.

Yours sincerely,

Head Teacher / Co-Principal or Chair of Local Governing Body

Appendix 10: checklist for a panel hearing

Panel hearing checklist	✓
The panel hearing is as informal as possible.	
Witnesses are only required to attend for the part of the hearing in which they give their evidence.	
After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.	
The co-principal/headteacher may question both the complainant and the witnesses after each has spoken.	
The co-principal/headteacher is then invited to explain the school's actions and be followed by the school's witnesses.	
The complainant may question both the co-principal/headteacher and the witnesses after each has spoken.	
The panel may ask questions at any point.	
The complainant is then invited to sum up their complaint.	
The co-principal/headteacher is then invited to sum up the school's actions and response to the complaint.	
Both parties leave together while the panel decides on the issues.	
The chair of the complaints appeal panel explains that both parties will hear from the panel within a set time scale.	

Appendix 11: PCLC policy for dealing with unreasonable complainants

PCLC is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We 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.

PCLC defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- 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
 - refuses to accept that certain issues are not within the scope of a complaints procedure;
 - insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
 - introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on;
 - 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 Department for Education;
 - seeks an unrealistic outcome;
 - makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.
- uses threats to intimidate
 - uses abusive, offensive or discriminatory language or violence
 - knowingly provides falsified information
 - publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the 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/co-principal or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact any PCLC 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 be reviewed after six months.

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

Appendix 12: Complaints not in the scope of the procedure

Exceptions	Who to contact
Admissions to schools	<p>Education and Skills Funding Agency (ESFA) receives any complaint made by an applicant about the way admissions appeals are carried out at academies, free schools, university technical colleges and studio schools.</p> <p>https://www.gov.uk/guidance/academy-admissions</p>
School re-organisation proposals	<p>Contact the local authority or diocese, as appropriate, in the first instance and then escalate to the Department for Education, if dissatisfied using their contact form available at:</p> <p>https://www.gov.uk/contact-dfe</p>
Statutory assessments of Special Educational Needs (SEN)	<p>Concerns should be raised direct with Essex County Council</p> <p>https://www.essex.gov.uk/Education-Schools/Schools/Special-Education-Needs/Pages/Special-Educational-Needs.aspx</p>
Matters likely to require a Child Protection Investigation	<p>Complaints about child protection matters should be handled:</p> <ul style="list-style-type: none"> • under the school’s child protection and safeguarding policy • in accordance with relevant statutory guidance <p>Refer to your local authority designated officer (LADO) or the multi-agency safeguarding hub (MASH).</p>
Exclusion of children from school	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p> <p>Complaints about the application of the behaviour policy can be made through the school’s complaints procedure.</p>
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 direct 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. You may also be able to complain direct to Essex County Council or the Department for Education (see link above), depending on the substance of your complaint.</p>
Staff grievances and disciplinary procedures	These matters will invoke PCLC's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.
Staff conduct complaints	<p>Complaints about staff are dealt with under PCLC'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, we will notify complainants that the matter is being addressed.</p>
Complaints about services provided by other providers who may use school premises or facilities.	Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.
Complaints about the curriculum	<p>Complaints about the content of the national curriculum should be sent to DfE using their contact form available at: https://www.gov.uk/contact-dfe</p> <p>Complaints about the delivery of the curriculum are for PCLC schools to resolve through this complaints procedure. This includes:</p> <ul style="list-style-type: none"> • religious education (RE) • sex and relationships education