




PHMAT COMPLAINTS POLICY

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Author	Amarjit Cheema (Trust CEO)
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Approved By Name	Andrew Brocklehurst (Chair of Trustees)
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1. Scope

This policy applies to all employees within Perry Hall Multi-Academy Trust (PHMAT) (permanent, fixed term and casual).

Our Trust aims to meet its statutory obligations when responding to complaints from parents of pupils at our Trust schools’.

When responding to complaints, we aim to:

- Be impartial and non-adversarial.
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response.
- Treat complainants with respect and courtesy.
- Make sure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law.
- Keep complainants informed of the progress of the complaints process.
- Consider how the complaint can feed into school improvement evaluation processes.

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The Trust school’s will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will make sure we publicise the existence of this policy and make it available on the school website.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school. It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

This policy complies with our funding agreement and articles of association.

The DfE guidance explains the difference between a concern and a complaint:

- A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”.
- A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.

General Principles of Complaints

2. Dealing with Complaints – Initial Concerns

It is important to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

The policy formalises the complaints procedure for our Trust, however the underlying principle is that concerns should be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher or the individual delivering the service in the case of extended Academy provision, will receive the first approach. This person is expected to use their discretion to determine whether the official complaints procedure should be initiated or whether the complaint can be dealt with informally.

Informal concerns:

- If a parent has a concern in the first instance it must be raised with the class teacher. If it is not resolved, then it should be raised with the phase leader.
- Phase leader will organise a meeting and investigate the concerns.
- If the parent remains dissatisfied and feels the concern has not been addressed, they can submit a formal complaint.

3. Dealing with Complaints – Formal Procedures

The formal procedures will be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remain dissatisfied and request to take the matter further. Or if the school leadership deems the complaint/ initial concern raised by the parent requires a more formal approach. A written record is to be kept of all formal complaints, including:

- Whether they were resolved at stage two or progressed to a stage three panel hearing
- What action was taken by the academy as a result of those complaints (whether or not the complaints were upheld)

4. Dealing with Complaints Made by Parents with Children with Special Educational Needs Regarding the Provision Made by the School

In the first instance, parents are encouraged to speak with their child's class teacher if they have any concerns. If however, parents feel that their issues have not been resolved then they can make an appointment with the SENCO, a senior member of staff or the

Head. If the matter remains unresolved then parents should reference this complaints procedure.

Parents are also advised to seek support from the Parent Working Partnership for guidance on how to progress in getting their issues resolved.

5. Framework of Principles

Our Complaints Procedure:

- encourages resolution of problems by informal means wherever possible.
- is easily accessible and publicised.
- is simple to understand and use.
- is impartial.
- is non-adversarial.
- allows swift handling within agreed time-limits for action and keeping people informed of progress.
- ensures a full and fair investigation.
- respects people's desire for confidentiality.
- addresses all the points raised and provide an effective response and appropriate redress, where necessary.
- provides information to the Academy's senior management team so that services can be improved.

6. Investigating Complaints

At each stage, the person investigating the complaint makes sure that they:

- establish what has happened so far, and who has been involved;
- clarifies the nature of the complaint and what remains unresolved;
- meets with the complainant or contacts them (if unsure or further information is required);
- clarifies what the complainant feels would put things right;
- interviews those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conducts the interview with an open mind and is prepared to persist in the questioning;
- keeps notes of the interview.

7. Resolving Complaints

At each stage in the procedure the school will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in

whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an explanation along with an apology if necessary (depending on the situation);
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not re-occur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review policies in light of the complaint. It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

8. Vexatious Complaints

This procedure should limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Local Governing Body or CEO is able under this policy to inform them in writing that the procedure has been exhausted and that the matter is now closed.

UNREASONABLY PERSISTENT COMPLAINANTS AND UNREASONABLE COMPLAINANT BEHAVIOUR

There are rare circumstances where we will deviate from the Complaints Procedure set out.

These include, but are not necessarily limited to:

- where the complainant's behaviour towards staff, members of the Governors or Directors is unacceptable, for example, is abusive, offensive or threatening;
- where, because of the frequency of their contact with the Trust/School, the complainant is hindering the consideration of their or other people's complaints and/or the proper running of the Trust/School;
- where the complainant's complaint is vexatious and/or has patently insufficient grounds;
- where the complainant's complaint is the same, similar to or based on the same facts of a complaint which has already been considered in full by the Trust/School. In these circumstances, we may:
 - inform the complainant that their behaviour is unacceptable or unreasonably persistent and ask them to change it;

- restrict the complainant's access to the Trust/School e.g. requesting contact by a specified means (for example, letters only), requiring contact to take place with a named person only, restricting telephone calls to specified days and times or banning the complainant from the academy's premises;
- conduct the Review Panel on the papers only i.e. not hold a hearing;
- refuse to consider the complaint and refer the complainant directly to Stage Three.

In all cases we will write to tell the complainant why we believe his or her behaviour is unacceptable or unreasonably persistent, what action we are taking and the duration of that action. Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, members of the Local Governing Body or Directors, we will consider other options, for example reporting the matter to the Police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

9. Time-limits

Complaints need to be considered, and resolved, as quickly and efficiently as possible using time limits published in this policy. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline with an explanation for the delay.

10. Publicising the Complaints Policy and Procedure

The Local Governing Body will publicise the complaints policy and procedure in:

- the information given to new parents when their children join the Academy;
- the School/Trust website.

11. Confidentiality

The investigation of any complaint will be kept confidential at all stages and any papers provided to those investigating or adjudicating on complaints will be marked confidential and destroyed, except for the file copy, which itself will be confidential.

12. Stage One: Complaint heard by Staff Member

12.1 It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, staff will be periodically made aware of the procedures so that they know what to do when they receive a complaint. It is important to remind all staff involved about the importance of always maintaining confidentiality during the complaints process.

12.2 Parents should never feel or be made to feel that a complaint made in a reasonable and appropriate way will be taken amiss or will reflect adversely on the pupil

or his/her opportunities at the school. The school will try to investigate and try to resolve every complaint in a positive manner and will treat every complaint as an opportunity to improve our service.

- The school will try to respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the matter will be referred to a Head who may, if they feel it appropriate, refer the complainant to another staff member. Alternatively, they may not feel this is necessary. Where the complaint concerns the Head, the complainant can be referred to the Chair of Governors or CEO (NB complaints brought by staff should be investigated using the Grievance procedure and not this Complaints Policy)

They will:

- Put right any matters which may have gone wrong.
- Review our systems and procedures in the light of the relevant circumstances.
- Only complaints received in writing (preferably using the Complaints form) will be considered.
- Anonymous complaints will not be considered.
- Complaints must be made within 3 months of the event. Complaints after this period will not be considered.
- The person dealing with the complaint will investigate the complaint.

12.3 Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Head may consider referring the complainant to another staff member. The member of staff within the Trust may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

12.4 Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person dealing with the complaint. Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

12.5 The person dealing with the complaint will ensure that a written or oral acknowledgement is provided to the complainant within 5 school term time days of receiving a complaint. The acknowledgement will give a brief explanation of the school's complaints procedure and will give a target date for providing a response to the complaint which should normally be within 10 school term time days. If the target cannot be met a letter should be written within 10 school term time days explaining the reason for the delay and providing a revised target date.

12.6 The person dealing with the complaint will seek to meet or speak with all of the appropriate people in order to establish the facts relating to the complaint, if the information given on the complaints form necessitates this. This may include the complainant, staff and any other person.

12.7 Once all of the facts have been established the person dealing with the complaint will then produce a written response to the complainant or may wish to meet the complainant to discuss/resolve the matter directly.

12.8 A written response should contain an outline of the complaint and a summary of the response to the complaint including the decision reached and the reasons for it. Where appropriate this should also include what response, the school will take to resolve the complaint. This may be by way of a general description e.g. 'Action taken within the Disciplinary Procedure.

12.9 When the investigation has been concluded the complainant and the member of staff concerned will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld.
- The concern was not substantiated by the evidence.
- The concern was substantiated in part or in full. Some details may then be given of the action the school may be taking to review procedures etc. but details of the investigation or of any disciplinary procedures will not be released.
- The matter has been fully investigated and that appropriate procedures are being followed which may be strictly confidential (e.g. where staff disciplinary procedures are being followed).

12.10 This letter or report must be endorsed by the Head. It should also inform the complainant that should he/she wish the complaint to progress to the second stage of this procedure then he/she should send a written request stating this to the Head within 10 school term time days of receiving the response.

12.11 If no further communication is received from the complainant within 10 school term time days, it is deemed that the complaint has been resolved and should end.

13. Stage Two: Complaint heard by Head

13.1 If the complainant is dissatisfied with the way the complaint was handled at stage

one, they may go to Stage Two and have the Head hear the complaint. The Head may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

13.2 The same timings as in Stage One will apply.

14. Stage Three: Complaint heard by Local Governing Body complaints appeal panel

14.1 The complainant needs to write to the Clerk to the Governors or CEO as directed by the Head giving details of the complaint.

14.2 The Clerk to the Governors should write to the complainant acknowledging receipt of the written request for the complaint to be heard. This acknowledgement must be sent within 5 school working days and should inform the complainant of the arrangements for hearing the complaint within 20 school term time days of receiving it. The letter should explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received within 5 school working days of the date of the hearing to allow adequate time for the documents to be circulated.

14.3 No person involved at this stage should have previous involvement in the complaint.

14.4 The Governors' appeal hearing is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

14.5 Individual complaints would not be heard by the whole Local Governing Body at any stage, as this could compromise the impartiality of any hearing set up for disciplinary purposes against a member of staff following a serious complaint.

14.6 The Local Governing Body may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These include:

- drawing up its procedures;
- hearing individual appeals;
- making recommendations on policy as a result of complaints.

14.7 The Chair or CEO will typically chair the Complaints Panel, but in their absence the panel can be drawn from the nominated members and may consist of three or five Governors. In this case the panel may choose their own Chair. One member of the panel will be independent of the management and running of the school. A local governor from another school within the trust would count as an 'independent' person (as long as they have no conflict of interest or prior knowledge of the complaint). A MAT

trustee would not count, as they have oversight of, and ultimate responsibility for, that school.

14.8 If the complaint is about the Head a hearing by the CEO or Chair of Governors becomes Stage Two. If the complainant is unhappy, he/she needs to write to the Clerk of Governor whereupon a panel of three to five governors (not previously involved) will hear the complaint. Their decision will be final.

15. The remit of the complaints appeal panel

- . 15.1 The panel can:
 - dismiss the complaint in whole or in part;
 - uphold the complaint in whole or in part;
 - decide on the appropriate action to be taken to resolve the complaint;
 - recommend changes to the Academy's systems or procedures to ensure that problems of a similar nature do not recur.

- . 15.2 There are several points which any governor sitting on a complaints panel needs to remember:
 - It is important that the appeal hearing is independent and impartial and that it is seen to be so. No Governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.

 - The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it must be recognised the complainant might not be satisfied with the outcome if the hearing 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.

 - An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel Chair will ensure that the proceedings are as welcoming as possible.

- . 15.3 The Clerk to the Governors will write and inform the complainant and any witnesses, the panel etc. of the date and location of the meeting 5 school working days in advance. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/ interpreter. The letter should explain how the meeting will be conducted and the complainant's right to submit further written evidence to the panel. The Head has the right to bring representation if so desired.

- . 15.4 Intervention of parallel investigations relevant to the complaint by the Police or social services may cause variation to these time scales. Any such variation will

be notified to the complainant.

16. Hearing the complaint at the meeting

The aim of the meeting will be to resolve the complaint and achieve reconciliation between the school and the complainant.

In the interest of natural justice, the introduction of previously undisclosed evidence or witnesses would be a reason to adjourn the meeting so that the other side has time to consider and respond to the new evidence.

The recommended conduct of the meeting is as follows:

- a) The Chair of the panel will welcome the complainant, introduce the panel members and explain the procedure.
- b) The Chair of the panel will invite the complainant to explain the complaint.
- c) The Committee members may question the complainant about the complaint and the reasons why it has been made.
- d) The Head will be invited by the Chair of the panel to question the complainant about the complaint and why it has been made.
- e) The Chair of the panel will invite the Head to make a statement in response to the complaint. At the discretion of the Chair of the panel the Head may invite members of staff directly involved in the complaint to supplement his/her response.
- f) The Committee members may question the Head and/or members of staff about the response to the complaint.
- g) The Chair of the panel will allow the complainant to question the Head and/or members of staff about the response to the complaint.
- h) Any party has the right to call witnesses, subject to the approval of the Chair of the Committee.
- i) The Committee, the Head and the complainant have the right to question any such witness.
- j) The Head will be invited by the Chair of the panel to make a final statement.
- k) The complainant will be invited by the Chair of the panel to make a final statement.
- l) The Chair of the panel will explain to the complainant and the Head that the decision of the panel will now be considered, and a written decision will be sent to both parties within 15 school working days. The Chair of the panel will then ask all parties to leave except for members of the Committee.
- m) The Committee will then consider the complaint and all the evidence presented and;
- n) Reach a decision on the complaint and the reasons for it.
- o) Decide upon the appropriate action to be taken to resolve the complaint.
- p) The Governors sitting on the panel need to be aware of the complaint's

procedure before the meeting.

17. Roles and Responsibilities

17.1 The Role of the Clerk The clerk is the contact point for the complainant and is required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

17.2 The Role of the Chair of the Panel. The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties.

Appendix 1

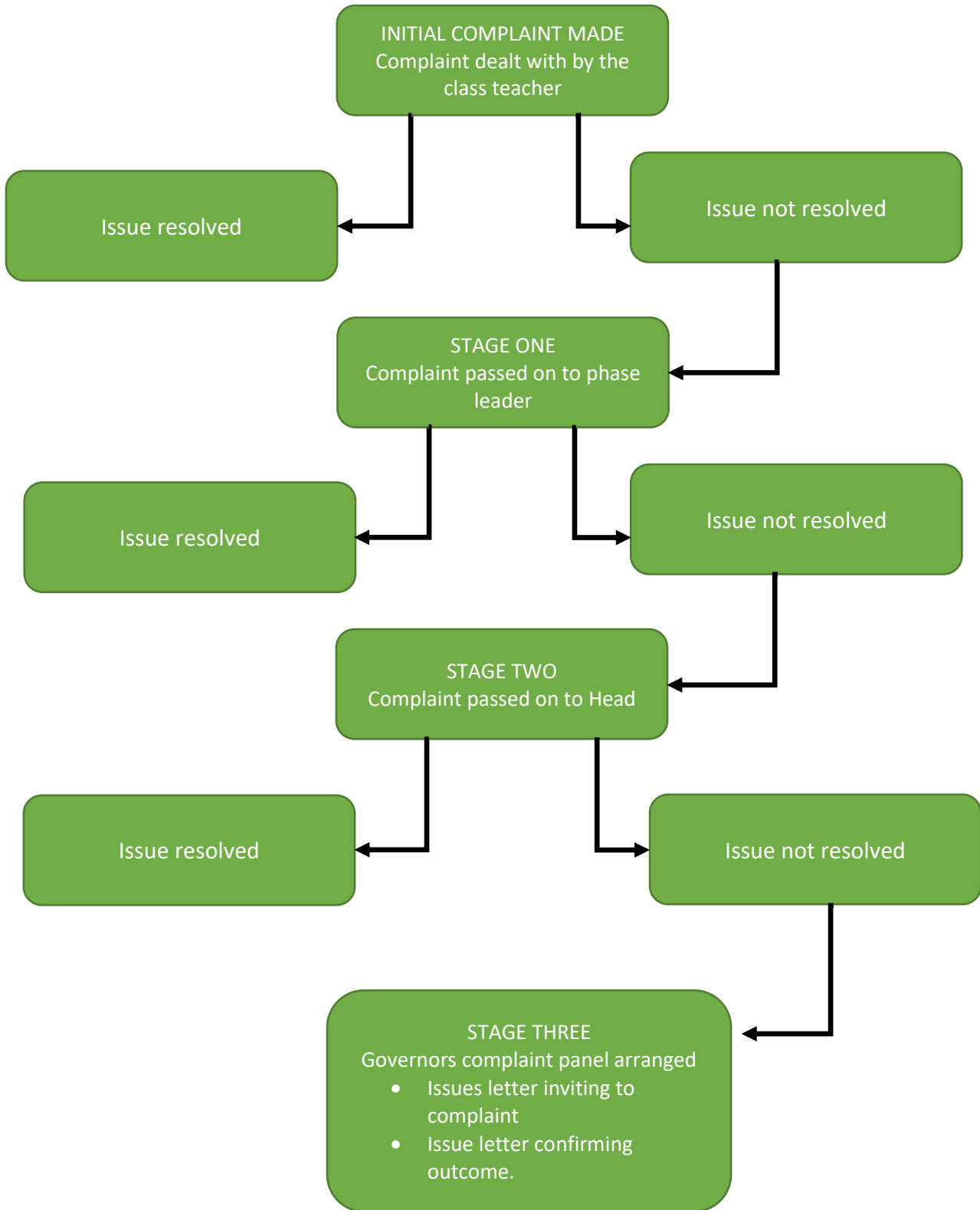
Checklist for a Panel Hearing

The panel needs to take the following points into account:

The hearing is as informal as possible.

- Witnesses are only required to attend for the part of the hearing which give their evidence. Pupils may not appear as witness, but they may provide statements.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Head may question both the complainant and the witnesses after each has spoken.
- The Head is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Head 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 Head 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 explains that both parties will hear from the panel within a set time scale.

APPENDIX 2
FLOWCHART



Appendix 3

Form to record a formal complaint

Please complete and return to(Chair of Governors) who will acknowledge receipt and explain what action will be taken.

Your name:			
Pupil's name:			
Your relationship to the pupil:			
Address:			
		Postcode:	
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.
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Signature:	Date:
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Official use	
Date acknowledgement sent:	Complaint referred to:
Acknowledgement sent by:	Date:

