



THE PATHWAY ACADEMY TRUST

Registered address: c/o Culverstone Green Primary School,
Wrotham Road, Meopham, Kent DA13 0RF

Registered Company N° 9782388

COMPLAINTS POLICY

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Introduction

The Pathway Academy Trust (TPAT) is committed to providing the very best education for our young people and want our pupils to be healthy, happy and safe and to do well. We recognise the importance of establishing and maintaining good relationships with parents, carers and the wider community. We are aware that there may be occasions where people have concerns or complaints and the following procedure sets out the steps that should be followed in order to resolve these as quickly and informally as possible.

All academies must have a complaints procedure which meets the standards set out in the Education (Independent School Standards) (England) Regulations 2014 Schedule 1, Part 7. The Regulations set out how complaints procedures should be drawn up and used effectively to handle complaints other than those covered by separate legislation and formal procedures which are covered by other policies and guidance. These include:

- Admissions
- Exclusions
- Special Educational Needs
- Staff Grievances
- Child Protection
- Whistleblowing

It is expected that all complaints will be referred to the individual school in the first instance and that all stages will be pursued before considering a referral to the Education Funding Agency (EFA) if a complainant feels that their complaint has not been dealt with appropriately or remains unresolved.

Complainants are encouraged to follow through each stage of the procedure, as appropriate, in order to resolve their concerns.

Aims and principles of the policy

Aims

This policy aims to:

- encourage the resolution of concerns and complaints by informal means wherever possible
- ensure that concerns are dealt with quickly, fully and fairly within defined time limits wherever possible
- provide effective and appropriate responses to concerns and complaints
- maintain good relationships between the school / Trust and all those involved

Principles

Key principles of this policy are:

- Accessibility – the policy will be available on the school / Trust's **websites** and also can be requested from the individual school office. It will be in a useable format, free from jargon and will assume no specialist knowledge.
- Good communication – the school will be happy to explain the process for dealing with concerns and complaints.
- Timescales – there will be clear timescales which the school / Trust will make every effort to adhere to. Where timescales have to change, we will ensure complainants are advised of the delay and reasons for this and are given clear revised timescales.
- Clarity – the roles and responsibilities of those involved in the process will be clear and there will be clarity around the desired outcome for the complainant.
- Confidentiality – appropriate confidentiality will be maintained by all those involved (including school / Trust staff and Directors).

The Trust Board will appropriately monitor the nature of the complaints received over each academic year to inform practice and potential improvements to procedures and policies within the schools in the Trust.

Upholding or not upholding complaints

At each stage of the complaints procedure the conclusion will be either:

- that the complaint is upheld (in part or in full) and, where appropriate, some form of action is taken or recommendation made
- OR
- that the complaint is not upheld and reason(s) for this, where appropriate, are clearly given

The complainant may choose at any stage to take no further action or take their complaint to the next stage.

Complaints Process

Informal (Stage 1)

Please start by telling the class teacher about your concern. This is usually the best and quickest way of resolving issues. In some cases the class teacher may feel it more appropriate to refer you to a more senior or experienced member of staff who will try to resolve the concern informally.

- *It is recommended that you make an appointment to speak to the class teacher as soon as possible as this will give both parties the opportunity to talk about the issue without being interrupted*

- *It is important to recognise that schools are busy organisations and may not be able to offer an appointment straight away*
- *The purpose of this meeting should be to establish the nature of the concern and to seek a resolution to the problem*
- *It is good practice for the class teacher to make a brief written record of the concerns raised and any actions agreed*

Formal (Stage 2)

If you feel dissatisfied with the outcome of discussions with the class teacher you should then contact the Headteacher by putting your complaint in writing.

You may use the form attached as Appendix 1 to do this.

If you are not using the form, your letter should set out clearly the complaint and why you feel the issue has not been resolved through informal channels. It is also helpful if you can set out what outcome you are seeking. You should receive an acknowledgement of your complaint within 5 school days.

Note: If your complaint is about the conduct of the Headteacher and you feel that it has not been resolved at the informal stage, then you should write to the Chairman of the Board of Directors c/o the Trust Registered Office (see Stage 3).

The Headteacher will consider the complaint and in doing so will:

- Establish what has happened so far, and who has been involved;
- Meet or contact you if they need further information;
- Clarify what you feel would put things right if this has not been set out in your letter or included on your form;
- Interview those involved in the matter and those complained of, allowing them to be accompanied if they wish;
- Conduct any interviews with an open mind;
- Keep notes of any interview for the record.

The Headteacher will keep in mind ways in which the complaint can be resolved. It may 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 apology;
- an explanation;
- an admission that the situation could have been handled differently or better (please note this is not an admission of negligence);
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again; or
- an undertaking to review policies and practice in light of the complaint.

It may also be the case that the complaint may not have any substance and is

therefore considered to be unfounded or unsubstantiated.

The Headteacher will discuss the outcome of their consideration of your complaint with you and should send a detailed response, including any actions to be taken, within a maximum of 20 school days. Where this proves to be unrealistic, you will be informed in writing and given an estimate of how long it will take to provide a detailed response.

Where you are unhappy about the decision the Headteacher has made about your complaint, this does not become a complaint about the Headteacher.

Review Panel (Stage 3)

If you are not satisfied with the response of the Headteacher, or you have a concern or complaint that is specifically about the Headteacher which has not been resolved informally, then you must write a formal letter of complaint to the Chairman of Board of Directors.

You should either complete the complaints form or write to the Chairman of Board of Directors c/o the Clerk at the **Trust's Registered Office**, marking any envelope "**urgent, private and confidential**". The school will provide you with the Clerk's name, or you can find it on the school's website.

- *The Clerk to the Trust Board will acknowledge receipt of your letter within 5 school days.*
- *The acknowledgement will inform the complainant that a Review Panel **consisting of two of the Trust's Directors and an independent person** will hear the complaint within 20 school days of receiving the complaint. The letter will invite the complainant to attend and explain that the complainant has the right to submit any further documentation relevant to the complaint. The complainant may bring a friend or someone else for support.*
- *For complaints specifically about the Headteacher, the Chairman of Board of Directors will arrange for the complaint to be investigated, either by him/herself or by an appropriate independent investigator.*
- *A meeting of the Review Panel will be convened. No Directors with prior involvement in the issues complained about will be included on the Panel. An experienced Director will chair the panel meeting. The Clerk of the Panel will contact the complainant with the arrangements.*
- *Once the hearing has been held, the complainant and the school will be informed of the decision in writing within 5 school days. If it is not possible to meet these timescales then the Chair of the Panel will contact both parties to discuss a mutually convenient date.*
- *Further information on how the panel operates and the process is attached at Appendix 2.*

Further action (Stage 4)

If the complainant remains unsatisfied by the outcome of the Review Panel, they will be advised to contact the Education Funding Agency (EFA). The EFA has a duty to consider all complaints raised but will only intervene where the Trust has acted unlawfully or unreasonably.

The EFA is responsible for ensuring that academies comply with their funding agreements and will check whether the complaint has been dealt with properly by the academy. The EFA will consider complaints about academies that fall into any of the following three areas:

- where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint
- where the academy is in breach of its funding agreement with the Secretary of State
- where an academy has failed to comply with any other legal obligation

The EFA **will not overturn an academy's decision about a complaint**. If an academy is found not to have dealt with a complaint properly it will request the complaint is looked at again and procedures meet the requirements set out in the Regulations. **If the academy's complaints procedure does not meet the Regulations**, the EFA will ask the academy to put this right. The EFA may seek to enforce the decision under the terms of the funding agreement on behalf of the Secretary of State, if appropriate.

The EFA can be contacted by going online at:

www.gov.uk/government/organisations/education-funding-agency

or by writing to the EFA main office address:

Education Funding Agency
Earlsdon Park
53-55 Butts Road
Coventry
CV1 3BH

Policy for unreasonable complainants

The Trust 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 have to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including behaviour which is abusive, offensive or threatening.

The 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 complaint investigation process while still wishing their complaint to be resolved;
- 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, 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 Funding Agency;
- 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.

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;
- 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 or the Trust 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 Chairman of Board of Directors will discuss any concerns **with the complainant informally before applying an 'unreasonable' marking.**

If the behaviour continues the Chairman of Board of Directors will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school / Trust 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.

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 Trust's** premises.

Barring from the Trust premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. The Trust will therefore act to ensure that the schools remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, the Trust can ask him/her to leave school premises. In serious cases, the Directors can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. The Trust should always give the parent the opportunity to formally express their views in writing on the decision to bar. The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so to the Chairman of Board of Directors **c/o the Trust's Registered Office.** However, complaints about barring cannot be escalated to the Education Funding Agency. Once the Trust's **own** complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

Appendix 1 – The Pathway Academy Trust Complaints Form

Please complete and return to Clerk to the Trust Board who will acknowledge receipt and explain what action will be taken	
Your Name	
Pupil's Name	
School attended	
Your relationship to the Pupil	
Address	
Postcode	
Daytime Tel Number	
Evening Tel Number	
Please give details of your complaint here	(Continue on additional sheets if necessary)
What actions, if any have you taken to try and resolve your complaint	(Continue on additional sheets if necessary)
What actions do you feel might resolve the problem?	(Continue on additional sheets if necessary)
Are you attaching any paperwork?	
Signature	
Date	
For Office Use only	
Date acknowledgement sent	By Whom
Complaint referred to:	Date:

Appendix 2 – Review Panel procedure

- At the Review Panel Hearing:
 - The complainant will have the opportunity to present their complaint.
 - The **Headteacher will explain the school's position.**
 - Those present will have the opportunity to ask questions.
 - Panel members will have the opportunity to ask questions of the complainant and the Headteacher.
 - The Headteacher will be given the opportunity to make a final statement to the panel.
 - The complainant will be given the opportunity to make a final statement to the panel.
 - The Chair will ask the complainant if he or she feels they have had a fair hearing.
- The Chair of the Panel has responsibility to ensure that detailed minutes are taken.
- The Chair of the Panel will explain to the complainant and Headteacher that the Panel will consider its decision and that a written decision will be sent to both parties within 5 school days. The complainant, Headteacher, other members of staff and witnesses will then leave.
- The Panel will then consider the complaint and all the evidence presented and
 - agree a decision on the complaint;
 - decide upon the appropriate action to be taken to resolve the complaint; and
 - where appropriate, suggest recommended changes to the Trust's **systems or** procedures to ensure that problems of a similar nature do not recur.
- A written statement clearly setting out the decision of the Panel must be sent to the complainant and Headteacher. The letter to the complainant should also advise how to take the complaint further if they are not satisfied with the outcome.
- The Trust should ensure that a copy of all correspondence and notes are kept on file in the **Trust's** records.
- If the complainant is a parent, these records should be kept separately from the **pupil's personal records.**