



# THE PATHWAY ACADEMY TRUST

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

Registered Company N°9782388

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# COMPLAINTS PROCEDURE

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<b>Author:</b>	<b>Trust Secretary</b>

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## **Introduction**

The Pathway Academy Trust (TPAT), known as 'the Trust', 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 parents/carers have concerns or complaints regarding their child and the following procedure sets out the steps that should be followed in order to resolve these as quickly and informally as possible.

The Trust will handle complaints received from people who are not parents of children at the school respectfully and expediently but we are not obliged to follow this specific policy.

This Complaints Procedure has been agreed by the Trust Board and adopted by all TPAT schools.

## **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.

In addition, it addresses duties set out in the Early Years Foundation Stage statutory framework with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

## **Scope of this procedure**

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints. This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances

- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

Arrangements for handling complaints from parents of children with SEND about the school's support are within the scope of this policy. Such complaints should first be made to the Head Teacher; they will then be referred to this complaints procedure. The Trust's SEND policy includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

Complaints about services provided by other providers who use the Trust's premises or facilities should be directed to the provider concerned.

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 ESFA where a complainant feels that their complaint has not been dealt with appropriately or remains unresolved.

## **Aims and principles of the policy**

### **Aims**

Our Trust aims to meet its statutory obligations when responding to complaints from parents of pupils at the school and others. Our Trust 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
- ensure that any decisions are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law

### **Principles**

A **concern** is defined as "*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*". The school will resolve concerns through day-to-day communication as far as possible.

A **complaint** is defined as "*an expression of dissatisfaction however made, about actions taken or a lack of action*". The Trust intends to resolve complaints informally where possible.

Key principles of this procedure are:

- **Accessibility** – the procedure 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, the Trust 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, governors and Directors).

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage. Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The school expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

### **Anonymous Complaints**

Complainants are encouraged to put their name to any complaint. Anonymous allegations will be considered and investigated at the Trust's discretion.

In exercising the discretion, the following factors may be considered:

- the seriousness of the issues raised,
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

### **Safeguarding**

Wherever a complaint indicates that a child's wellbeing or safety is at risk, the Trust is under a duty to report this immediately to the Local Authority. Any action taken will be in accordance with the Trust's Child Protection Policy.

## **Social Media**

In order for complaints to be resolved as quickly and fairly as possible, the Trust asks that complainants do not raise concerns or discuss them publicly via social media. Complaints will be dealt with confidentially by the Trust and it is expected that complainants will also observe confidentiality.

## **Complaints that result in staff capability or disciplinary**

If at any formal stage of a complaint it is determined that staff disciplinary or capability proceedings are necessary, the details of any action will remain confidential to the Trust. The complainant is not entitled to participate in the process or receive any detail about the proceedings.

## **Dealing with complaints that bypass the Trust's Complaints Procedure**

There may be occasions where complainants have bypassed the Trust's complaints procedures and used social networking sites, the media and authorities to criticise or make malicious comments about individual members of staff or regarding decisions that have been taken by the Head Teacher at one of the Trust's schools or the Trust Board.

Where a Head Teacher becomes aware of an issue being raised outside of the formal Complaints Procedure they will contact the Trust's Chief Executive Officer (CEO) or Deputy CEO for guidance and support in handling the issue.

## **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 (not against a Head Teacher or Governors)**

### **Stage 1: Informal**

The school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the Head Teacher, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office.

The school will acknowledge receipt of informal complaints within 5 school days, and investigate and provide a response within 10 school days.

The informal stage will involve a meeting between the complainant and the Head Teacher, Head of School or deputy Head Teacher and the subject of the complaint, as appropriate.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

## **Stage 2: Formal**

Formal complaints can be raised with the Head Teacher and/or the subject of the complaint. A formal complaint must be in writing, unless the complainant has a sufficient reason to request a reasonable adjustment be made to amend this.

The complainant should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents, and what they feel would resolve the complaint.

If complainants need assistance raising a formal complaint, they can contact the school office.

The school will acknowledge receipt of the complaint within 5 school days. The Head Teacher (or other person appointed by the Head Teacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 20 school days.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure (Stage 3), they should inform the Trust Secretary in writing within 10 school days of receipt of the outcome clearly setting out how and why they do not accept the findings made under Stage 2. The complainant should not repeat matters raised in their original letter, or attach documentation already provided. Furthermore, the complainant should not introduce any new complaint, trivial or irrelevant information which the complainant expects to be taken into account and commented on or raise large numbers of detailed but unimportant questions.

## **Stage 3: Review panel**

Complaints will be escalated to the panel hearing stage if the complainant is not

satisfied with the response to the complaint at the formal stage (Stage 2).

The Trust Secretary will acknowledge receipt of the complaint within 10 school days and inform the complainant of the names of the Complaint Panel members. If the complainant objects to any of the named persons being appointed to the Complaint Panel, they should notify the Trust Secretary within 5 school days of receipt of the letter. Fair consideration will be given to any bona fide objection to a particular member of the Complaint Panel.

The Panel will be appointed by TPAT and will consist of at least three people who were not directly involved in the matters detailed in the complaint. The Panel cannot be made up solely of members of the Local Governing Body (LGB), as they are not independent of the management and running of the school. At least one Panel member must be independent of the management and running of the school. A governor, from a LGB at a different school within TPAT, who has no conflict of interest or prior knowledge of the complaint, can be an independent panel member. This is because such persons would have no direct involvement with the management and running of the school being complained about.

The Panel will have access to the existing record of the complaint's progress.

The complainant must have reasonable notice of the date of the Panel meeting; however, the Complaint Panel reserves the right to convene at their convenience rather than that of the complainant and this will usually take place within 20 days of receipt of the complainant's request. At the Panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the Panel hearing and be accompanied by a supporter if they wish. For the avoidance of doubt, the complainant's supporter will be present for moral support only and will not play any part in the proceedings, unless invited to do so by the Chair of the Complaint Panel, entirely at his/her own discretion.

We recognise there are occasions where legal representation may be appropriate during Panel hearings. For example, if a school or trust employee is a witness in a complaint, they may be entitled to bring union or legal representation.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

The Panel, the complainant and the school's representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.



The Panel will convene in private immediately after or on a subsequent date and will consider all the documentation and everything heard at the hearing.

The Panel must put together its findings and recommendations from the case. It will decide which facts are established to be true, on a balance of probabilities. If a fact is not deemed relevant, the Panel will not consider it further.

The Panel will send an outcome letter with a copy of the minutes of the hearing, the Panel's findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint and the school's representative.

The Trust Secretary will inform those involved of the decision in writing within 20 school days of the meeting.

### **Further action**

If you remain unsatisfied by the outcome of the Review Panel, then you are advised to contact the Education & Skills Funding Agency (ESFA). The ESFA has a duty to consider all complaints raised but will only intervene where the Trust has acted unlawfully or unreasonably.

For more information or to refer a complaint, see the following webpage:  
<https://www.gov.uk/complain-about-school>

### **Complaints against the Head Teacher**

Complaints made against the Head Teacher should be directed to the Chair of Governors who will inform the Executive Leadership Team (ELT) and the complaint will be investigated using the same process as Stage 2.

Receipt of the complaint will be acknowledged within 5 school days. The Chair of Governors (or other person appointed by the Chair of Governors for this purpose) will then conduct their own investigation. Depending on the nature of the complaint, the Chair of Governors may invite the complainant to a meeting to discuss their concern further and obtain additional information or clarify the resolution they are seeking.

The written conclusion of this investigation will be sent to the complainant within 20 school days.

### **Alternative Contacts for Specific Circumstances**

There are additional levels of governance who assume responsibility under specific circumstances for Stage 2 of this procedure.

Specifically:

- Where the complaint relates to the Chief Executive Officer, a Director, a Member or an employee of the Trust, the Chair of the Trust Board assumes responsibility.
- Where the complaint relates to a governor, the Chair of the school's Local Governing Body assumes responsibility.
- Where the complaint relates to the Chair of the school's Local Governing Body or the entire Local Governing Body, the Chair of the Trust Board assumes responsibility.

For complaints to be addressed to the Chair of the Trust Board, please contact the Trust Secretary via:

- Email: [ron.dale@tpat.co.uk](mailto:ron.dale@tpat.co.uk)
- Post: Ron Dale, c/o Culverstone Green Primary School, Wrotham Road, Meopham, Kent DA13 0RF

Receipt of the complaint will be acknowledged within 5 school days. The Chair of the Trust Board (or other person appointed by the Chair for this purpose) will then conduct their own investigation. Depending on the nature of the complaint, the Chair of the Trust Board may invite the complainant to a meeting to discuss their concern further and obtain additional information or clarify the resolution they are seeking.

The written conclusion of this investigation will be sent to the complainant within 20 school days.

### **Record-keeping and Monitoring**

Correspondence in relation to complaints should be kept for the current year plus 6 years at the relevant school. Correspondence relating to the Trust will be retained at the registered offices.

A written record will be kept centrally of all complaints, whether they are resolved at the preliminary stage or proceed to a panel hearing and the outcome.

The Trust Board will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly and track the number and nature of complaints.

The Trust Board will review any underlying issues raised by complaints with the appropriate staff whilst respecting confidentiality in order to determine whether there are any improvements that the school or Trust can make to its procedures or practice to help prevent similar events in the future.

This policy will be reviewed every three years by the Trust Secretary and approved by the Trust Board.

## **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 that 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;
- 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 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 or using falsified information;
- publishing unacceptable information in a variety of media such as in social media, websites and newspapers.

Complainants should limit the number 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 Chair of the Trust Board will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Chair of the Trust Board 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.

### **Policy for persistent complaints**

Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the Head Teacher or Chair of the Trust Board (as appropriate) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the Trust again about the same issue, the Trust can choose not to respond if:

- The Trust has taken every reasonable step to address the complainant's needs, and
- The complainant has been given a clear statement of the Trust's position and their options (if any), and
- The complainant is contacting the Trust repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

The Trust will be most likely to choose not to respond if:

- There is reason to believe the individual is contacting the school or Trust with the intention of causing disruption or inconvenience, and/or
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or

- The individual makes insulting personal comments about, or threats towards, school staff

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the Trust has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The Trust will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.

### **Policy for complaint campaigns**

Where an individual school or the Trust receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school or Trust, the Trust may respond to these complaints by:

- Publishing a single response on the school / Trust website
- Sending a template response to all of the complainants

If complainants are not satisfied with the response, or wish to pursue the complaint further, the normal procedures will apply.

### **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/carer or visitor behaves in an unacceptable way towards a member of the school community, the Head Teacher or appropriate senior staff will assess the level of risk before deciding on a course of action. The course of action will be reasonable and commensurate with the assessed level of risk.

Any action taken will be in accordance with the Trust's Managing Abusive Parents and Visitors to Schools Policy which is available on request.

## Appendix 1 – The Pathway Academy Trust Complaints Form

<p>Please complete and return to the Trust Secretary (see details below) who will acknowledge receipt and explain what action will be taken          Trust Secretary contact: Email: <a href="mailto:ron.dale@tpat.co.uk">ron.dale@tpat.co.uk</a>; Post: Ron Dale, c/o Culverstone Green Primary School, Wrotham Road, Meopham, Kent DA13 ORF</p>	
Your name	
Pupil's name	
School attended	
Your relationship to the pupil	
Address	
Postcode	
Contact telephone number	
Email address	
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: