

# Complaints procedure

2024-25

This procedure is to be used for complaints against a school within Pele Trust, a member of staff, the Academy Committee or the Board of Directors. There are separate arrangements, laid down by law to cover the following:

- Complaints against the curriculum, collective worship and religious education
- Appeals against admissions
- Appeals against exclusions
- Appeals about assessments and statements of special educational needs

For further guidance on any of the above please contact the Headteacher or Pele Trust Chief Executive Officer (CEO).

### **Stage 1: Informal stage**

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 or Trust can be crucial in determining whether the complaint will escalate. To that end, if members of staff are made aware of the procedures, they know what to do when they receive a complaint.

The table in Appendix 2 lists who complaints should usually be made to and the composition of any Stage 3 panel.

In the first instance, the complaint should be discussed between the person making the complaint and the lead person identified in the table (Appendix 2). At this stage, it is helpful if the complainant outlines the nature of their concerns and what they think might resolve the issue. At this stage, the complainant may be asked to put their complaint in writing, so that it is clearly understood.

If the complaint involves a member of staff, the Headteacher will consider whether to include the member of staff involved in any follow-up meeting between the Headteacher and the complainant. If a complainant indicates that he/she would have difficulty discussing a complaint with that particular member of staff, it may be appropriate for the matter to be handled by the Headteacher alone.

The ability to consider the complaint objectively and impartially is crucial and it is also important to give an indication of the timescale if it is found that the complaint requires further investigation.

If a complainant first approaches an Academy Committee member directly, he/she should be referred to the Headteacher or the Academy Committee Chair. **Individual Academy Committee members should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages, as they must remain impartial in the event they are needed to sit on a hearing panel at a later stage of the procedure.**

It is hoped the majority of complaints can be resolved at this first stage. If this is not the case then the complainant may choose to escalate matters to Stage 2 of the complaints procedure.

<b>Stage 2:      Formal stage</b>
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If the complainant is dissatisfied with the Stage 1 outcome, or the way the complaint has been handled at Stage 1 and wishes to pursue their initial complaint further, they will be asked to put their complaint in writing to the person identified in the table (see Appendix 2).

***NB: The CEO should be informed of the complaint at this stage if they have not been involved previously.***

The person making the complaint should have their written complaint acknowledged and be informed that a formal investigation is underway; they should also be informed that the Trust will seek to provide a full response within 25 school days. If it is likely that the investigation process will be delayed beyond the 25 school days, then the complainant should be informed by letter.

Once the investigation is complete and the relevant facts have been established, the lead person should relay the Stage 2 outcome decision and the reason for the decision, in writing to the complainant. They should also be informed of any further right of appeal, i.e. progressing to Stage 3 of the complaints procedure.

### **Stage 3: Panel hearing**

If the complainant is still dissatisfied with the outcome he/she should write to the lead person (see Appendix 2) giving details of the complaint within 10 school days of receipt of the Stage 2 decision letter. The relevant person will then convene a complaints panel hearing as soon as practicable.

#### **Composition of the panel**

The hearing panel will consist of a minimum of three individuals and a clerk will be appointed to record details of the hearing.

The constitution of the panel shall be as follows (ensuring panel members have had no prior involvement or connection with the complaint):-

1. Two panel members are to be drawn from the Academy Committee of the school, one of whom would normally be the chair of the Academy Committee
2. One panel member will be independent of the school/academy and drawn from a different Academy Committee within Pele Trust.

#### **Purpose of the panel hearing**

The complainant will be informed in writing that he/she is entitled to attend the panel hearing and will be given reasonable notice of the hearing date. Complainants may be accompanied if they wish, however, as this is not a form of legal proceeding we do not expect either party to require legal representation. The aim of the panel hearing is:

- o To understand the nature of the complaint.
- o To form a view on whether the complaint should be dismissed or upheld and whether any recommendations should be made.
- o To put right things that have gone wrong

The panel will conduct the hearing in a format that provides an opportunity for both the complainant and school to put forward their case as well as ask questions of the other party. Panel members will also be able to ask questions of either party (see Appendix 3).

The hearing process will enable the panel to assess the complaint in full. The panel will make a decision as to any action to be taken in response to the complaint. For example, they may choose to:

- dismiss the complaint in whole or in part; or
- uphold the complaint in whole or in part; and
- where appropriate to recommend changes to the Trust's and/or academy's systems or procedures to ensure that problems of a similar nature do not recur.

In reaching a decision the Panel hearing committee may wish to take the advice of the Pele Trust Human Resources and/or legal representatives.

Following the hearing, the clerk of the hearing panel will inform both parties in writing of the decision as soon as practicable after the hearing, and usually within 5 school days. This correspondence will share:

1. The panel's findings and reasons for any decisions
2. Any recommendations (if appropriate)
3. Any further rights of appeal

### **Expectations of conduct in a panel hearing**

We recognise that attending a panel hearing may be a stressful and emotive experience however we will insist on the highest standards of behaviour from all involved.

Inappropriate conduct may include any of the following: raised voices, interrupting others, offensive language, belligerence, aggression, and insults - please note this is not intended to be an exhaustive list. The Chair of the panel hearing will issue a verbal warning should an individual exhibit inappropriate conduct; if the inappropriate conduct continues the Chair will ask the person to leave the hearing and the business of hearing the complaint will continue in their absence.

### **Records of complaints**

We will retain a confidential record of all written complaints. This will identify:

- Whether the complaint was resolved at this stage or progressed to Stage 3
- The final outcome of the complaint
- Any action taken by the school and/or Trust, regardless of the outcome
- All correspondence, statements, and records relating to individual complaints

These records will be retained by the Headteacher for 3 years from the start of Stage 2 of the complaint process. They must ensure they are kept safe, remain confidential, and are not included within a pupil's records. These records will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

### Recording meetings

A complainant must not covertly record any meetings. As schools are data controllers it is not our usual practice to record meetings due to data protection legislation. The occasion when recordings may be acceptable, and agreed in writing and in advance, would be as part of a reasonable adjustment for a complainant, for example, where there are communication difficulties.

### Key contacts

Position	School Headteacher	Chair of Academy Committee	Pele Trust CEO	Clerk to the Pele Trust Board
Name	Stefan McElwee	Barry Hirst	Kieran McGrane	Steve Leigh
Tel	01661 824711	01661 824711	01661 824711	01661 824711
Email	s.mcelwee@ponthgh.org.uk	b.hirst@ponthigh.org.uk	<a href="mailto:k.mcgrane@peletrust.org.uk">k.mcgrane@peletrust.org.uk</a>	<a href="mailto:steve@engagementineducation.co.uk">steve@engagementineducation.co.uk</a>

If, after following the Trust's complaints procedure, the complainant is dissatisfied with the outcome, or if there are reasons why they cannot use that procedure - for example, they feel their complaint has not been or will not be given a fair consideration due to a conflict of interest – they can forward their complaint to the Department for Education (DfE), using the online [school complaints form](#) or the Education and Skills Funding Agency (ESFA).

**Making a complaint to the Department should only happen once all other routes have been followed.** The exception to this may be where there is a Child Protection concern, or where a child is missing education.

*If a complaint has been made by a number of parents and it is about whole school issues they may, at any stage of the procedure, ask the Her Majesty's Chief Inspector of schools to investigate their complaint. The Chief Inspector may or may not require the school's complaints procedure to be exhausted before she decides whether or not to investigate.*

## Appendix 1

### Example of a complaint form

*Please complete and return to the academy Headteacher or Academy Committee Chair who will acknowledge receipt and explain what action will be taken.*

**Your name:**

**Pupil's name (if applicable):**

**Your relationship to the pupil (if applicable):**

**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, when, and what was the response)?**

## Appendix 2

Complaints about ...	Lead person to whom initial concern should be raised ...	Additional comments
Headteacher	Chair of the Academy Committee (AC)	<ol style="list-style-type: none"> <li>1. Stage 1 will be managed by the AC Chair.</li> <li>2. Stage 2 will be managed by the AC Chair with the CEO undertaking the investigation</li> <li>3. Stage 3 will be managed by the AC Chair</li> </ol>
School staff	Headteacher	<ol style="list-style-type: none"> <li>1. Stage 1 will be managed by the Headteacher</li> <li>2. Stage 2 will be managed by the Headteacher with a senior leader within the school or Trust undertaking the investigation</li> <li>3. Stage 3 will be managed by the CEO</li> </ol>
Chair of the Academy Committee	Clerk to the Academy Committee	<ol style="list-style-type: none"> <li>1. Stage 1 will be managed by a Pele Trust Director</li> <li>2. Stage 2 will be managed by the Pele Trust resources Sub Board Chair with the CEO undertaking the investigation</li> <li>3. Stage 3 will be managed by the Pele Trust Chair</li> </ol>
Member of the Academy Committee	Clerk to the Academy Committee	<ol style="list-style-type: none"> <li>1. Stage 1 will be managed by the AC Chair</li> <li>2. Stage 2 will be managed by the AC Chair with the Headteacher undertaking the investigation</li> <li>3. Stage 3 will be managed by a named Director</li> </ol>
Academy Committee	Chief Executive Officer (CEO)	<ol style="list-style-type: none"> <li>1. Stage 1 will be managed by the CEO</li> <li>2. Stage 2 will be managed by the CEO with the Deputy CEO undertaking the investigation</li> <li>3. Stage 3 will be managed by the CEO</li> </ol>



Complaints about ...	Lead person to whom initial concern should be raised ...	Additional comments
Pele Trust Central Team	Chief Executive Officer (CEO)	<ol style="list-style-type: none"> <li>1. Stage 1 will be managed by the CEO</li> <li>2. Stage 2 will be managed by the CEO with the Deputy CEO undertaking the investigation</li> <li>3. Stage 3 will be managed by the CEO</li> </ol>
Chief Executive Officer (CEO)	Chair of Pele Trust	<ol style="list-style-type: none"> <li>1. Stage 1 will be managed by the Pele Trust Chair</li> <li>2. Stage 2 will be managed by the Pele Trust Chair with an independent person commissioned to undertake the investigation</li> <li>3. Stage 3 will be managed by the Pele Trust Chair</li> </ol>
Pele Trust Board	Clerk to the Trust Board	<ol style="list-style-type: none"> <li>1. Stage 1 will be managed by the CEO or Chair</li> <li>2. Stage 2 will be managed by the Chair with an independent person commissioned to undertake the investigation</li> <li>3. Stage 3 will be managed by an independent person commissioned to do so</li> </ol>

## Appendix 3

### Procedures for Stage 3 panel hearing

1. Election of a Chair for the hearing panel
2. Clerk introduces the panel and outlines the procedure to be followed and how the panel will make its decision
3. Chair reinforces expectations for behaviour and conduct
4. Case for the complainant
  - a. The complainant will be provided an opportunity for them or a representative to present their complaint. This can be read out by the clerk if the complainant so wishes.
  - b. Questions may be asked by the school
  - c. Questions may be asked by the panel
5. Case for the school
  - a. The school will present its case
  - b. Questions may be asked by the complainant
  - c. Questions may be asked by the panel
6. Summing Up
  - a. The complainant will be provided an opportunity to briefly summarise their complaint
  - b. The school will be provided an opportunity to briefly summarise its response to the complaint
7. Panel decision-making
  - a. After summing up, all parties will leave the hearing enabling the panel to discuss the case and make their decision
  - b. They may seek HR and/or legal advice at this time
8. Informing parties
  - a. In line with the Complaints Procedure, all parties will be informed of the outcome of the hearing as soon as reasonably practicable and usually within 5 school days by letter