

Complaints Policy

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| This policy applies to : | PLT stakeholders | |
| Related Documents/ Policies: | Grievance Policy Whistleblowing Policy Academy Safeguarding Policy | |
| Author: | Pamela McIlroy | |
| Area: | Leadership and Management | |
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| Equality Impact Assessment | This Policy has been reviewed against equal opportunities legislation with regard to age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity and has no identified adverse impact (direct or indirect) on minority groups. | |

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1. INTRODUCTION

The Pinnacle Learning Trust (PLT) takes our responsibility for the development and education of our students seriously and values the support and partnership of parents and carers. We welcome feedback on all aspects of our work and any concerns are considered very seriously and always with a view to seeking a resolution at the earliest possible opportunity.

Our complaints procedure is designed to:

- allow swift handling of complaints within established time limits;
- ensure a fair investigation;
- respect confidentiality;
- provide an effective response and appropriate redress;
- be impartial;
- be simple to understand;
- be non-adversarial.

This policy is based on the model policy provided by the Department for Education. We have a duty to publish the Complaints Policy on our website. Hard copies are also available from the Academies.

The complaints procedure is not limited to parents or carers of children that are registered at the academies within the Pinnacle Learning Trust. Any person, including members of the public, may make a complaint to a Pinnacle Learning Trust Academy about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (see Appendix 1), we will use this complaints procedure. There is a separate complaints procedure for issues relating to the handling of external examinations and assessments.

Procedures for dealing with serial and unreasonable complaints are detailed in Section 2.7 of this policy.

We will not normally investigate anonymous complaints. However, the Principal or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

Complaints about services provided by other providers who may use PLT premises or facilities should be made to the provider concerned and dealt with in accordance with their policy and procedures.

Throughout the document, the term Principal refers to the roles identified in Appendix 2 for each Academy. The Principal may delegate the role of Complaints Co-ordinator as appropriate within their organisation (see Appendix 2).

The Pinnacle Learning Trust is committed to promoting equality. An equality impact assessment has been undertaken which is in line with the Equality Act 2010.

2. POLICY STATEMENT

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. The PLT takes informal concerns seriously and will make every effort to resolve the matter as quickly as possible.

2.1. How to raise a concern or make 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'.

Concerns should be raised with either the personal tutor or class teacher in the first instance, if appropriate. Concerns raised directly with a Senior Leader will usually be referred to the relevant staff member or Curriculum Leader unless the Senior Leader deems it appropriate for them to deal with the matter personally. A list of key staff in each Academy is provided in Appendix 2.

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 of a complainant, as long as they have appropriate consent to do so. It is helpful for the complainant to identify at the earliest opportunity what they think might resolve the issue.

If the complainant has difficulty discussing a concern with a particular member of staff, the Principal will refer them to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Principal will refer the matter 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. This may also be the case if a concern remains unresolved following previous communication with the Academy. Where a formal complaint is made, the Academy will attempt to resolve the issue internally, through the stages outlined within this complaints procedure (paragraphs 2.5-2.7).

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.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.

2.2. Complaints about employees/Governors

Complaints against academy staff (except the Principal) should be made in the first instance, to the Principal. Please mark them as Private and Confidential. Complaints that involve or are about the Principal should be addressed to the Chief Executive Officer (CEO) for the Trust, or the Chair of Governors. A contact email address is provided in Appendix 2. Please mark correspondence as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole Governing Body should be addressed to the Governance Professional to the Governing Body. Please mark them as Private and Confidential.

If the complaint concerns the EP or a Trustee, the complaint should be investigated by the Chair of the Trust Board. If a formal complaint form is received about the Chair, the complaint will be referred to the Vice Chair for investigation.

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.

Safeguarding allegations made against Trust employees, supply teachers or volunteers will be handled under the Trust's Managing Safeguarding Allegations Against Staff procedures (see Academy Safeguarding Policy).

2.3. Timescales

Concerns and complaints must be made as soon as is practicable, or within three months of the date 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.

We will consider complaints made **outside of term time** to have been received on the first working day after the holiday period.

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 the Trust 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.

2.4. Withdrawal of a Complaint

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

2.5. Resolving complaints

At each stage in the procedure, the Pinnacle Learning Trust 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 reoccur
- 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 academy policies in light of the complaint
- an apology.

2.6. Informal Complaints

It is to be hoped that most concerns can be expressed and resolved on an informal basis.

Concerns should be raised with either the personal tutor or class teacher in the first instance, if appropriate. Concerns raised directly with a Senior Leader will usually be referred to the relevant staff member or Curriculum Leader unless the Senior Leader deems it appropriate for them to deal with the matter personally. A list of key staff in each Academy is provided in Appendix 2.

An appropriate member of staff will investigate the concern/complaint and provide written or verbal feedback as appropriate and within **10 working days** of being notified of the concern. The complainant may be invited into the Academy and will be allowed to bring along someone to support them. The Academy should be notified in advance of who will be attending the meeting.

If the issue remains unresolved, the next step is to make a formal complaint.

2.7. Formal Complaint - Stage 1

Formal complaints must be made to the Principal (see Appendix 2). This may be done in person, in writing, or by telephone. For ease of use, a template complaint form is included at the end of this procedure, which is designed to ensure that the Academy has all the relevant information to deal with the complaint. If you require help in completing the form, please contact the Academy Reception. You can also ask third party organisations like the Citizens Advice to help you.

The Principal (or Complaint Co-ordinator) will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within **5 working days**. Within this response, the Principal will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Principal can consider whether a face to face meeting is the most appropriate way of doing this. The complainant will be allowed to bring

along someone to support them, although the Academy should be notified in advance who will be attending the meeting.

The Principal may delegate the investigation to another member of the academy's Senior Leadership Team but not the decision to be taken.

During the investigation, the Principal (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 Principal will provide a formal written response within **10 working days** of the date of receipt of the complaint. If the Principal is unable to meet this deadline, they will provide the complainant with an update and revised response date. A longer timescale may be necessary to fully understand the complaint and /or to investigate it.

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 Academy will take to resolve the complaint. The Principal will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the Principal, or a member of the Governing Body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 1. Complaints about the Principal or member of the Governing Body must be made to the Governance Professional.

If the complaint is about: jointly the Chair and Vice Chair; the entire Governing Body or the majority of the Governing Body, Stage 1 will be considered by an independent investigator appointed by the Governing Body. At the conclusion of their investigation, the independent investigator will provide a formal written response.

2.8. Panel Hearing - Stage 2

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with members of the Governing Body's complaints committee, which will be formed of the first three impartial governors available. This is the final stage of the complaints procedure.

A request to escalate to Stage 2 must be made to the Governance Professional, within **10 working days** of receipt of the Stage 1 outcome, using the form at the end of this procedure. Requests received outside of this time frame will only be considered if exceptional circumstances apply. Only matters arising from any complaint(s) considered at Stage 1 will be considered.

The Governance Professional will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within **5 working days** and immediately inform the Chair of Governors (unless the complaint is about them).

The Governance Professional will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within **20 working days** of receipt of the Stage 2 request. If this is not possible, the Governance Professional 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 Professional 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.

The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three governors from the Local Governing Body available, the Governance Professional will source any additional governors from the PLT's Local Governing Bodies or Trustees, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.

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, however this cannot be a current student. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate. For instance, if an Academy employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation. The Principal and/or the complaint investigator will also be required to attend the Appeal Hearing.

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 **10 working days** before the meeting, the Governance Professional 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 **7 working days** before the meeting.

Any written material will be circulated to all parties at least **5 working days** before the date of the meeting, including chronology and key dates relating to the complaint and the Academies response and an order of proceedings (appendix 4). 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, or for the purpose of minute taking. 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 academy's systems or procedures to prevent similar issues in the future.

In most cases it is anticipated that it will be possible for the panel to respond to the complaint immediately without the need for further investigation. Where further investigation is required, the Panel will decide how it should be carried out and agree next steps with the complainant. In such cases it may be necessary for the Complaints Appeal Panel to meet again to determine final outcomes.

The Chair of the Committee will provide the complainant and the Principal with a full explanation of their decision and the reason(s) for it, in writing, within **10 working days**. The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by the Academy or the Trust.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Governing Body or
- the majority of the Governing Body

Stage 2 will be heard by a committee of independent, co-opted governors.

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 that the Academy or Trust will take to resolve the complaint.

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

2.9. Procedure for Dealing with Complaints escalated to/about the Trust, Chief Executive Officer (CEO) or Trustee

If a complaint is escalated to The Pinnacle Learning Trust (the trust) or if a complainant wishes to complain directly about the trust, then the complaint should be sent to the CEO to be investigated.

The CEO will write to the complainant acknowledging the complaint within **5 working days** of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated under Stage 1 of this Complaints Policy and will confirm the date for providing a response to the complainant.

Following the investigation, the CEO will write to the complainant confirming the outcome within **10 working days** of the date that the letter was received. If this time limit cannot be met, the CEO will write to the Complainant within **10 working days** of the date that the letter was received, explaining the reason for the delay and providing a revised date.

If the complaint concerns the CEO or a Trustee, the complaint should be investigated by the Chair of the Trust Board. If a formal complaint form is received about the Chair, the complaint will be referred to the Vice Chair for investigation.

NB. Where the Chair of the Trust Board has investigated the complaint, they will write the letter of outcome to the Complainant and provide a copy to the CEO.

If the complainant is not satisfied with the outcome of the previous stage, the complainant should write to the Governance Professional to the Trust Board asking for the complaint to be heard before a Complaint Panel, within **10 working days**.

The Governance Professional will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within **5 working days**.

Requests received outside of this time frame will only be considered if exceptional circumstances apply. The Governance Professional will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within **20 working days** of receipt of the Stage 2 request. If this is not possible, the Governance Professional 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 Professional 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.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire trust board or
- the majority of the trust board

Stage 2 will be heard by a completely independent committee panel.

The Complaint Panel will consist of three members. None of the three members of the Complaint Panel will have been involved in the incidents or events which led to the complaint, or have been involved in dealing with the complaint in the previous stages, or have any detailed prior knowledge of the complaint. One of the Complaint Panel members will be independent of the management and running of the Pinnacle Learning Trust. This means that the independent Complaint Panel member will not be a Trustee or an employee of the Trust.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a trust 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 **10 working days** before the meeting, the Governance Professional 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 **7 working days** before the meeting.

Any written material will be circulated to all parties at least **5 working 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 panel 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 panel will consider the complaint and all the evidence presented. The panel 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 panel will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the academy's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and The Pinnacle Learning Trust with a full explanation of their decision and the reason(s) for it, in writing, within **10 working days**. The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by TPLT. 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 TPLT will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the academy premises by the proprietor and the Principal.

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

2.10. Procedure for Dealing with Unreasonable Complaints

The Pinnacle Learning 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 our Academies. 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.

The PLT defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the Academy, 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 the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice

- introduces trivial or irrelevant information which they expect 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 PLT'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 Academy time by frequent, lengthy and complicated 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 Academy 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 Principal or Chair of Governors will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the Principal will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact an Academy 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 Pinnacle Learning Trust premises.

3. RESPONSIBILITIES AND COMPLIANCE

3.1. Complainant

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

- explain the complaint in full as early as possible, using the forms available in this document if appropriate
- co-operate with the academy 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.

3.2. 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 Principal or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Principal 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.

3.3. Complaints Co-ordinator (this could be the Principal/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, Principal, Chair of Governors, Governance Professional 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 accurate records
- ensure the timescales within this policy are met.

3.4. Governance Professional/Governance Professional

The Governance Professional is the contact point for the complainant and the committee 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 1 paperwork, academy 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.

3.5. 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 Professional) 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 academy 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 Professional (and complaints co-ordinator, if the academy has one).

3.6. 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 academy and the complainant. We 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.

The duty to establish procedures for dealing with complaints lies with the **Audit and Risk**

3.7 Committee/Trust Board

The **Principal** and **Local Governing Body** will monitor the level and nature of complaints on a regular basis to ensure the effectiveness of this procedure and make improvements to Academy practices where necessary. The number of complaints for each Academy will report reported to Audit and Risk Committee annually.

4. COMPLAINTS AND APPEALS

If the complainant believes the academy 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 2. The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the Academy. They will consider whether The Pinnacle Learning Trust has adhered to education legislation and any statutory policies connected with the complaint.

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

Academy Complaints and Customer Insight Unit
Education and Skills Funding Agency
Cheylesmore House
5 Quinton Road
Coventry
CV1 2WT

Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by Academies within The Pinnacle Learning Trust, other than complaints that are dealt with under other statutory procedures, including those listed below.

| Exceptions | Who to contact |
|---|--|
| <ul style="list-style-type: none"> Admissions to academies Statutory assessments of Special Educational Needs School re-organisation proposals | <p>Concerns about admissions, statutory assessments of Special Educational Needs, or Academy re-organisation proposals should be raised with Oldham Local Authority.</p> <p>OSFC Admissions concerns should be raised directly with RLE@osfc.ac.uk</p> |
| <ul style="list-style-type: none"> Matters likely to require a Child Protection Investigation | <p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).</p> <p>https://www.oldham.gov.uk/lscb/info/4/referrals_and_assessments</p> |
| <ul style="list-style-type: none"> 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><i>*complaints about the application of the behaviour policy can be made through the PLT's complaints procedure. The behaviour policy can be found on the Academy's website.</i></p> |
| <ul style="list-style-type: none"> 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 academies should complain through the PLT's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p> |
| <ul style="list-style-type: none"> Staff grievances | <p>Complaints from staff will be dealt with under the internal Trust Grievance Policy.</p> |
| <ul style="list-style-type: none"> Staff conduct | <p>Complaints about staff will be dealt with under the Trust Disciplinary Policy, 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, the complainant will be notified that the matter is being addressed.</p> |
| <ul style="list-style-type: none"> Complaints about services provided by other providers who may use the PLT's premises or facilities | <p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them directly.</p> |

APPENDIX 2 -PLT/Academy Structures

| Academy | General Concerns: | In the first instance, concerns can be raised with the following key staff: | Complaints should be directed to: | Complaints Co-ordinator | Complaints about the Principal/CEO: |
|------------------------------|--|---|--|--|--|
| The Hathershaw College | mail@hathershaw.org.uk | Form Tutor Year Manager Curriculum Leader Senior Leader | Mark Giles Principal mgi@hathershaw.org.uk | PA to the Principal | Jayne Clarke Chief Executive Officer Jayne.clarke@pinnaclelt.ac.uk |
| Oldham Sixth Form College | info@osfc.ac.uk | Progress Tutor Student Support Leader Curriculum Area Leader Senior Leader | Suzannah Reeves Principal srs@osfc.ac.uk | HR Dept | Jayne Clarke Chief Executive Officer Jayne.clarke@pinnaclelt.ac.uk |
| Werneth Primary School | info@wernethprimary.org.uk | Class Teacher Senior Leader | Jonathan Bell Principal Email: j.bell@wernethprimary.org.uk | Office Manager | Jayne Clarke Chief Executive Officer Jayne.clarke@pinnaclelt.ac.uk |
| Broadfield Primary School | info@broadfield.oldham.sch.uk | Class Teacher Senior Leader | Elizabeth Moran Principal Email: Elizabeth.moran@broadfield.oldham.sch.uk | Office Manager | Jayne Clarke Chief Executive Officer Jayne.clarke@pinnaclelt.ac.uk |
| Alexandra Park Junior School | info@alexandrapark.oldham.sch.uk | Class Teacher Senior Leader | Jenny Seabright Principal | Office Manager | Jayne Clarke Chief Executive Officer Principal Jayne.clarke@pinnaclelt.ac.uk |
| The Pinnacle Learning Trust | contact@pinnaclelearningtrust.org.uk | Executive PA | Jayne Clarke Chief Executive Officer Jayne.clarke@pinnaclelt.ac.uk | Governance Professional to Trust Board | Chair of Trust Board via Governance Professional. Governance Professional: Danielle Hunt danielle.hunt@pinnaclelt.ac.uk |

Complaint Form – Stage 1

Please complete and return this form to the Principal who will acknowledge receipt and explain what action will be taken.

Completed forms should be returned directly to the Academy Reception or emailed to the email address in Appendix 2.

On request, this form is available in electronic format.

| | |
|--|--------------------------------------|
| Your name: | |
| Student's full name (if relevant): | |
| Student's date of birth: | Student ID Number (if known): |
| Your relationship to the student (if applicable): | |
| Your full address including postcode: | |
| Your telephone number: | |

| |
|---|
| Please give details of your complaint. |
|---|

What action, if any, have you taken to try and resolve your complaint (who did you speak to and what was the response)?

Are you attaching any paperwork (if so, please give details)?

What actions do you feel might resolve the problem at this stage?

Signature:

Date:

For Academy use:

Date acknowledgement sent and by whom:

Log Reference:

| | |
|-------------------------------|--------------|
| Complaint referred to: | Date: |
|-------------------------------|--------------|

Date outcome(s) of investigation and any resulting decision(s) communicated to complainant:

Complaint Appeal Form – Stage 2

Please complete and return this form to the Governance Professional who will acknowledge receipt and explain what action will be taken.

Completed forms should be returned directly to the Academy Reception or emailed to the email address in Appendix 2.

On request, this form is available in electronic format.

| | |
|--|--------------------------------------|
| Your name: | |
| Student's full name (if not person making complaint): | |
| Student's date of birth: | Student ID Number (if known): |
| Your relationship to the student (if applicable): | |
| Your full address including postcode: | |
| Your telephone number: | |
| Complaint Reference Number (if known) | |

| |
|---|
| What was the Stage 1 decision and what do you believe has not been resolved? |
| What actions do you feel might resolve the problem at the appeal stage? |

| |
|--|
| |
|--|

| |
|-------------------|
| Signature: |
| Date: |

| |
|--|
| For Academy use: |
| Date acknowledgement sent and by whom: |
| Log Reference: |
| Date of Governors' Complaints Appeal Meeting: |
| Deadline for receipt of documents: |
| |

Appendix 4

Procedure for Stage 2 Governors' Complaint Appeal Committee

1. Before the Meeting

- 1.1 Election of Chair for the meeting.
- 1.2 Confirm arrangements for a Governance Professional to record the meeting.

2. During the Meeting

- 2.1 Introductions
- 2.2 The Chair should:
 - explain the purpose of the meeting;
 - circulate copies of this procedure;
 - go through the procedure for the meeting as outlined below
 - explain that phones should be switched off and the meeting should not be recorded.

The complainant's case

- 2.3 The complainant will be invited to explain her/his complaint. The complainant will invite any witness involvement that forms part of their case for complaint (witnesses should only be required to attend for the part of the hearing in which they are required).

Questions to the complainant and/or witnesses from Principal

- 2.4 The Principal will be invited to ask any questions of the complainant and/or the complainant's witnesses.

Questions to the complainant and/or witnesses from the Governors

- 2.5 The Governors will be invited to ask any questions of the complainant and/or the complainant's witnesses.

The Principal to explain the Academy's actions

- 2.6 The Principal will be invited to explain the Academy's actions in relation to the complaint to date. The Principal will invite any witness involvement that forms part of the actions (witnesses should only be required to attend for the part of the hearing in which they are required).

Questions to the Principal and/or witnesses from the complainant

- 2.7 The complainant will be invited to ask any questions of the Principal and/or the Principal's witnesses.

Questions to the Principal and/or witnesses from the Governors

- 2.8 The Governors will be invited to ask any questions of the Principal and/or the Principal's witnesses.

Summary by the complainant

- 2.9 The complainant will be invited to present her/his summary view regarding the complaint(s).

Summary by the Principal

- 2.10 The Principal will be invited to present their summary of the academy's actions and decision making in response to the complaint(s).

3. At the end of the Meeting

The Chair should explain:

- 3.1 that there are four possible outcomes from this meeting and that the Governors could:
- 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 occur.
- 3.2 that the Governors will be the only people involved in the decision making for this meeting;
- 3.3 that the Governors' decision will be communicated to the complainant within **10 working days**;
- 3.4 That everyone but the Governors and the Governance Professional to the committee will now be asked to leave the room.