



## PINNACLE SCHOOLS FEDERATION COMPLAINTS POLICY

<b>Author/Person Responsible</b>	<i>Executive Headteacher / Chair of Governors</i>
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### Equality Impact Assessment (EIA) Part 1: EIA Screening

<b>Policies or Procedure</b>	Complaints Policy	<b>DATE:</b>	01/06/23
<b>CARRIED OUT BY:</b>	Kate Bashford	<b>APPROVED BY:</b>	Mike Riches

### Groups that may be affected:

<b>Are there concerns that the policy could have a different impact on any of the following groups? (please tick the relevant boxes)</b>	Existing or potential adverse impact	Existing or potential for a positive impact
<b>Age</b> (young people, the elderly; issues surrounding protection and welfare, recruitment, training, pay, promotion)	No impact	
<b>Disability</b> (physical and mental disability, learning difficulties; issues surrounding access to buildings, curriculum and communication)	No impact	
<b>Gender reassignment</b>	No impact	
<b>Marriage and civil partnership</b>	No impact	
<b>Pregnancy and maternity</b>	No impact	
<b>Race</b>	No impact	
<b>Religion and belief</b> (practices of worship, religious or cultural observance, including non-belief)	No impact	
<b>Gender identity</b>	No impact	
<b>Sexual orientation</b>	No impact	

Any adverse impacts are explored in a Full Impact Assessment.

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## **1. Introduction**

This complaints procedure is not limited to parents or carers of children that are registered at either school. Any person, including members of the public, may make a complaint to the Pinnacle Schools Federation about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure. This Policy complies with section 29 of the Education Act 2002.

The Pinnacle Schools Federation aims to work in partnership with parents and carers in the best interests of the children. Any complaint will be given careful consideration and will be dealt with fairly and honestly. We will provide sufficient opportunity for any complaint to be fully discussed, and aim to resolve it through open dialogue and mutual understanding.

## **2. Actions Before Making Any Complaint**

Our complaints procedure is not intended to replace the normal informal discussions which take place between individuals, staff and the Executive Headteacher on problems and concerns as they arise. Most issues can be resolved through this dialogue: the Governing Board encourages those that have concerns to raise them with the appropriate person in the school and to work constructively with that person towards resolving the issue. These concerns might include such matters as children's work or progress, relations with staff, relations with other pupils including bullying, or a child's personal welfare. The first point of contact regarding concerns should be the Class Teacher or the Executive Headteacher. Appointments to see members of Staff are available both before and after school and may be made via the office. Please bear in mind though that Staff require time immediately before school to prepare for the day, and may be involved with clubs or staff meetings after school, so may not always be available at short notice. When meeting with the Member of Staff to raise your concerns, please be patient: they may need time gather information or put corrective measures in place and then determine their effectiveness. This informal stage may require several meetings to reach a conclusion satisfactory to all parties, who may need to discuss desired actions for the school, the individual raising the concern, timescales, and further meetings.

If an individual feels that a concern has not been solved through discussions with Staff, or that it is of a sufficiently serious nature, then an appointment to discuss it with the Executive Headteacher should be made. The individual should indicate that the appointment is regarding a complaint. At this point, the issue is no longer a concern, and is recognised as a formal Complaint. The form provided in the Appendix II of this Policy can be used by an individual to record details of the Complaint. If the Complaint is regarding the Executive Headteacher, then the Complainant should contact the Chair of Governors.

### 3. Referral of Complaints and Complaints falling outside the Scope of this Policy

The majority of formal complaints against the Schools will fall within the remit of the Executive Headteacher and / or Governing Body to consider. However, there are some categories of complaint for which there are separate procedures and the Local Authority will usually become involved. Further details are set out below:

<p>Admission to the school</p> <p>Statutory Assessment of a child’s special educational needs</p> <p>School Reorganisation proposals</p>	<p>Complaints regarding these should be raised with South Gloucestershire Council.</p>
<p>Child Protection</p>	<p>Complaints about Child Protection matters are handled in accordance with our Child Protection Policy and in line with statutory guidance.</p> <p>Anyone with serious concerns should contact the Local Authority Designated Office (LADO) at South Gloucestershire Council.</p>
<p>Exclusions</p>	<p>For concerns about exclusions, please refer to Government Guidance at: <a href="https://www.gov.uk/government/guidance/school-discipline-and-exclusions">School discipline and exclusions: Exclusions - GOV.UK (www.gov.uk)</a></p> <p>This Complaints Policy may be used if the complaint is regarding the application of the Federation’s Positive Behaviour Policy.</p>
<p>Whistleblowing</p>	<p>The Federation has a Whistleblowing Policy: this can be used by all 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: <a href="https://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our school should complain through the school’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>
<p>Staff Grievances</p>	<p>Complaints from staff will be dealt with under the Federation’s Grievance Policy.</p>
<p>Staff conduct</p>	<p>Complaints about staff will be dealt with under the school’s internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary</p>

	action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
Complaints about services provided by other providers who use the school premises of facilities.	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
National Curriculum – content	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>

#### 4. General Principles Regarding Any Complaint

The following principles will apply to any complaint:

- The complaint will be handled with care and sensitivity.
- All stages of the complaints policy will be investigatory rather than adversarial
- Confidentiality will be respected at all times
- Responses to any complaint will be prompt (timescales are detailed below)
- The Complainant will be given adequate feedback and kept informed of timescales
- The Complainant will be kept informed of the options to appeal during the process
- Any investigation will be thorough and fair
- Any investigation will address all the points at issue

The following will also be observed:

- If any Governor is contacted directly by an individual regarding a complaint then that Governor will refer the individual to this complaints policy. Individual Governors cannot act unilaterally by investigating a complaint or making any prior judgement about it. The Governor can only refer the individual to the Class Teacher, the Executive Headteacher or the Chair of Governors as appropriate.
- If the complaint is one that may result in disciplinary or legal action against the Executive Headteacher, or the complaint is regarding the Executive Headteacher, then the complaint should immediately be escalated to Stage 2 via a letter to the Chair of Governors as described below.
- We will consider complaints made outside of term time to have been received on the first school day after the holiday period.
- Notification of a complaint should be given as soon as possible after the issue that led to the complaint has occurred and after informal attempts to seek resolution have proved unsuccessful. Complaints that are submitted three months after the issue that led to the complaint occurred will not be considered under this procedure unless there are exceptional circumstances. These may include (but are not limited to) subsequent information about the complaint coming to light and a valid explanation of why it was not possible to give notification of the complaint sooner. In such cases the headteacher / chair of the governing board (as appropriate) will review the circumstances, seek advice and determine whether the complaint should be considered under the formal procedure.

- If at any stage of a complaint it becomes apparent that the Complainant is seeking some sort of financial compensation then any investigation will be halted whilst advice is sought from the Local Authority Risk and Insurance Manager.
- If an anonymous complaint is received, or the Complainant requests anonymity, then the Complainant will be urged to identify themselves in the interests of fairness and of dealing effectively with the complaint. However, if the anonymous complaint is of a sufficiently serious nature then the Executive Headteacher or Chair of Governors will decide whether action is appropriate. If an anonymous complaint raises child protection issues then the complaint will be referred immediately to the Local Authority.
- If a Complaint is raised about a Governor, the Complainant should contact the Clerk to the Governing Board, who will determine the most appropriate course of action, seeking advice as appropriate.
- The Complainant should not attempt to bypass steps in this Complaints Policy. Escalation to the Local Authority or Secretary of State levels before the formal school procedures have been exhausted will result in the Complainant being referred back to the Federation's procedure by those bodies.
- If the Complainant wishes to withdraw their complaint at any stage, they will be asked to confirm this in writing to either the Executive Headteacher or Chair of Governors.

## **5. Stage 1 of the Complaint Process – School Level (Informal Level)**

There are 2 ways in which the Complaint can be dealt with at School level;

**5.1 Complaint is handled by the Executive Headteacher** - If an individual feels that a concern has not been solved through discussion with staff, or that it is of a sufficiently serious nature, then an appointment to discuss it with the Executive Headteacher should be made. The individual should indicate that the appointment is regarding a Complaint. At this point, the Executive Headteacher will notify the Chair of Governors that a complaint has been received.

If the Executive Headteacher cannot resolve the complaint at the initial meeting then the School may carry out an investigation of the complaint. It will be the Executive Headteacher's responsibility to decide who should conduct the investigation. This may be the Executive Headteacher or may be a member of the Senior Leadership Team. The investigation will be completed within 10 school days and a follow on meeting held with the Complainant to discuss the results of the investigation.

Further meetings may be held as required if both parties agree that the Complaint may be resolved by subsequent meetings, whilst still at the informal level. The Executive Headteacher will make written comprehensive notes regarding the Complaint at all stages. The notes will include details of the complaint, how it was dealt with, by whom and the outcome. In the event of the complaint proceeding to the formal stage, these notes will be made available to the Complaints Panel. If discussions between the Executive Headteacher and the Complainant prove fruitless, and the issue cannot be resolved to the Complainant's satisfaction, then the Executive Headteacher will advise the Complainant that they may make a formal complaint to

the Governing Body, by putting the complaint in writing to the Chair of Governors within 15 school days of the final meeting. The form in Appendix II of this Policy can be used to do this if required.

All communication from the Complainant about the complaint from this time onward will be with the Governing Body only. If the Complainant decides they do not wish to escalate it to Stage 2, the matter will be considered closed. Please also see sections below regarding Harassment or Abusive Behaviour, and Vexatious complaints.

**5.2 Complaint is about the Executive Headteacher** - The above procedure will apply if the complaint is about the Executive Headteacher, but contact should be made with the Chair of Governors (via the School Office) who will carry out the informal investigation, unless they consider it is necessary to move straight to Stage 2.

## **6. Stage 2 of the Complaint Process (Formal) – Governing Body**

### **6.1 Introduction to Stage 2**

If a Complaint has not been resolved at Stage 1, or if has been immediately raised as a Formal Complaint by either the Complainant or Chair of Governors, the Chair of Governors will inform the Clerk that a Panel needs to be formed. The Panel make a decision about the Complaint on behalf of the Governing Body.

Requests for a review of the decision taken at stage 1 should be made in writing to the clerk no later than 4 weeks after written notification of the decision taken has been received. The request should include a brief summary of the complaint, why the complainant is dissatisfied with the outcome of stage 1 and the outcome they are seeking.

The Clerk will contact all Governors to ask for 3 volunteers to form a Complaint Panel. The Governors appointed to the panel will have had no previous involvement in, or knowledge about the detail of, the complaint and will have no pecuniary interests. In the event that more than 3 Governors put themselves forward, the Chair will make a decision on those who will form the panel based on their skills and experience, and with the aim of involving Governors from different Committees.

The primary function of the Complaints Panel is to decide on the merits or otherwise of the complaint. However, the panel will also play an important role in attempting to resolve the complaint. The panel will reach a decision on whether the complaint is upheld, upheld in part or rejected and may call for certain action to be taken by the school or the Complainant. In addition, the following may be offered:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that the School will try to ensure the event complained of will not recur

- 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 school policies in light of the complaint
- an apology.

## 6.2 Arrangements for Panel Hearing

On receipt of the Complaint:

- An acknowledgement will be sent to the Complainant within 3 school days
- The Complaints Panel will meet in private to:
  - Agree a chair for the Panel
  - Confirm the complaint
  - Determine evidence required
  - Agree the format of the Panel (see options below)
  - Identify the School Representative(s) that they would like to attend the panel
  - Agree suggested date(s) for the Panel Hearing. Governors will aim to hold the Panel Hearing within 21 school days of the Formal Complaint being received.
- Following this meeting, the Chair of the Complaints Panel will write to the Complainant confirming the complaint, asking for written evidence and agreeing a date for the Panel Hearing. The names of Governors on the Panel, arrangements for Clerking (see guidance below) and format of the meeting (see options below) will also be shared. The Complainant will be informed that they may be accompanied by a friend who can speak on their behalf if necessary.
- The Chair of the Complaints Panel will write to the Executive Headteacher outlining the complaint, asking for written evidence, agreeing a date for the Panel Hearing and confirming the School Representative(s) who is(are) requested to attend the Panel. The names of the Governors on the Panel and arrangements for Clerking will also be shared (see note below) in the letter.

Legal representatives are not permitted to attend the Panel Hearing.

Any written evidence will be circulated to all parties at least 4 school days prior to the meeting date. The date for this will be given in the above letters.

The panel will convene the complaints meeting as soon as is practically possible after the receipt of all written evidence, at mutually acceptable times (wherever possible Governors will aim for this to be within 21 days of the formal complaint being received). Up to three different dates and times for the Panel Hearing will be offered to the Complainant. If the Complainant cannot meet any of these, then if circumstances require the Panel will convene without the Complainant in attendance.

The meetings will usually be Clerked by the Clerk to Governors. If this is not appropriate (due to the sensitivity of the particular complaint or due to the Clerk's availability) then a member of staff such as the school secretary will take minutes.



Where the Complaint is regarding a Governor, the Complainant may request that the Panel Hearing is held by an independent panel. This is at the discretion of the Governing Board who will notify the Clerk of their decision. Where an entirely independent panel is required, timescales for the hearing may be impacted.

### **6.3 Format of Panel Hearing**

On the agreed date, the Complaints Panel will then meet and follow one of the following meeting formats (The Complaints Panel will agree the meeting format in advance, as detailed above).

**Format 1 – the Panel meets formally and separately with the Complainant and with a Representative(s) from the School.** The format of the meetings will be as follows:

#### Procedure for the meeting with complainant

- The chair will open the meeting and explain the procedure to be followed.
- Introductions.
- The complainant has the opportunity to go through key aspects of the evidence provided.
- The panel have the opportunity to ask questions
- The complainant is invited to make a statement in summary.
- Complainant withdraws.

#### Procedure for the meeting with School Representative

- The chair will open the meeting and explain the procedure to be followed.
- Introductions.
- The school representative has the opportunity to present the school's response to the formal complaint
- The panel have the opportunity to ask questions.
- The school representative is invited to make a statement in summary.
- School representative withdraws.

**Format 2 – Panel members, Complainant and School Representative(s) meet together, face-to-face**

#### Procedure for all parties meeting together

- The chair opens the meeting and explains the procedure to be followed.
- Introductions.
- Complainant to explain their complaint and set out what they want to happen as a result of the complaint.
- The panel and the school representative may ask questions.
- The School Representative(s) presents their case and the school's response to the complaint.
- The panel and the complainant may ask questions.
- The complainant is invited to make a statement in summary.
- A school representative is invited to make a statement in summary.

- All parties withdraw.

Whichever format is followed, following the Panel Hearing meeting(s), the panel will consider each party's case and make a decision, and draft a decision letter (see below).

#### **6.4 Arrangements following Panel Hearing**

The decision reached by the panel will be notified in writing to the Complainant and the Executive Headteacher. This will be sent within 5 school days of the Panel Hearing.

The outcome will also be reported back to the next meeting of the full governing body by the Panel Chair. Only a brief summary to the full governing body will be provided, with no detailed or named information. This will ensure that any further actions will not be jeopardised.

Written replies to Complainants will aim to answer all the points of concern, be factually correct, avoid jargon, and tell the Complainant what to do next if they are still not satisfied.

N.B - Where it is not possible to respond within the timescales stated above, the Complainant will be informed in writing of the reason for the delay and given an anticipated response date.

### **7. Appeal to Department for Education**

If the complainant believes the school 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 Pinnacle Schools Federation. They will consider whether the Pinnacle Schools Federation has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD.

## **8. Monitoring and Review**

The Governing Body will review this Complaints Policy on a regular basis, as set out on the front page. The Executive Headteacher will log all formal complaints received by the school and will record how they were resolved. Governors will examine the complaints log on an annual basis and will consider the need for any changes to the Policies or working procedures.

## **9. Staff Disciplinary Procedures**

It may be necessary to suspend the complaints procedure in respect of a complaint which indicates that there may be a need for disciplinary action to be taken against a member of staff. The decision to suspend the complaints procedure will be taken when it has been established that there may be a case to answer. In this instance the advice of the Federation's HR advisor will be sought. The Complainant will be notified that the complaints procedure has been suspended and the likely timescale for its reactivation. The resolution of the complaint will be notified to the Complainant at the conclusion of any disciplinary proceedings. However the details of any disciplinary proceedings will not be released to the Complainant.

## **10. School Policy Regarding Harassment or Abusive Behaviour**

The Executive Headteacher and Governing Body are fully committed to the improvement of our school. We welcome feedback from parents/carers and will always try to resolve any concerns as quickly as possible. Sometimes, however, parents or carers pursuing complaints or other issues may treat staff and others in a way that is unacceptable. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour towards any members of the school community. Unreasonable behaviour may include:

- Actions which are out of proportion to the nature of the complaint, persistent – even when the complaints procedure has been exhausted, personally harassing, or unjustifiably repetitious
- An insistence on pursuing unjustified complaints and / or unrealistic outcomes to justified complaints
- An insistence on pursuing justifiable complaints in an unreasonable manner e.g. using abusive or threatening language; or making complaints in public or via social networking sites; or refusing to attend appointments to discuss the complaint.

We regard harassment as the unreasonable pursuit of issues or complaints, particularly, but not limited to, if the matter appears to be pursued in a way intended to cause personal distress rather than to seek a resolution. Behaviour may fall within the scope of this if:

- It appears to be deliberately targeted at one or more members of school staff or others, without good cause;

- The way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes undue distress to school staff or others;
- It has a significant and disproportionately adverse effect on the school community.

The Federation expects anyone who wishes to raise concerns with the school to:

- Treat all members of the school community with courtesy and respect;
- Respect the needs of pupils and staff within the school;
- Avoid the use of violence, or threats of violence, towards people or property;
- Recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to a complaint;
- Follow the school's complaints procedure.

In cases of unreasonably persistent complaints or harassment, the EHT may take some or all of the following steps, as appropriate:

- Inform the complainant informally that his/her behaviour is now considered by the school to be unreasonable or unacceptable, and request a changed approach
- Inform the complainant in writing that the school considers his/her behaviour to be unreasonable or unacceptable, and request a changed approach
- Require all future meetings with a member of staff to be conducted with a second person present. In the interests of all parties, notes of these meetings may be taken
- Inform the complainant that, except in emergencies, the school will respond only to written communication and that these may be required to be channelled through the Local Authority

The governing body will not tolerate **any** form of physical or verbal aggression against members of the school community. If there is evidence of any such aggression the school may:

- Ban the individual from entering the school site, with immediate effect
- Consider other legal measures (e.g. ASBOs)
- Call the police to remove the individual from the premises, under powers provided by the Education Act 1996.

Legitimate new complaints will always be considered, even if the person making them is (or has been) subject to action relating to harassment or abusive behaviour. The school nevertheless reserves the right not to respond to communications from individuals subject to the policy.

The Pinnacle Federation Bullying and Harassment Policy should also be considered if appropriate.

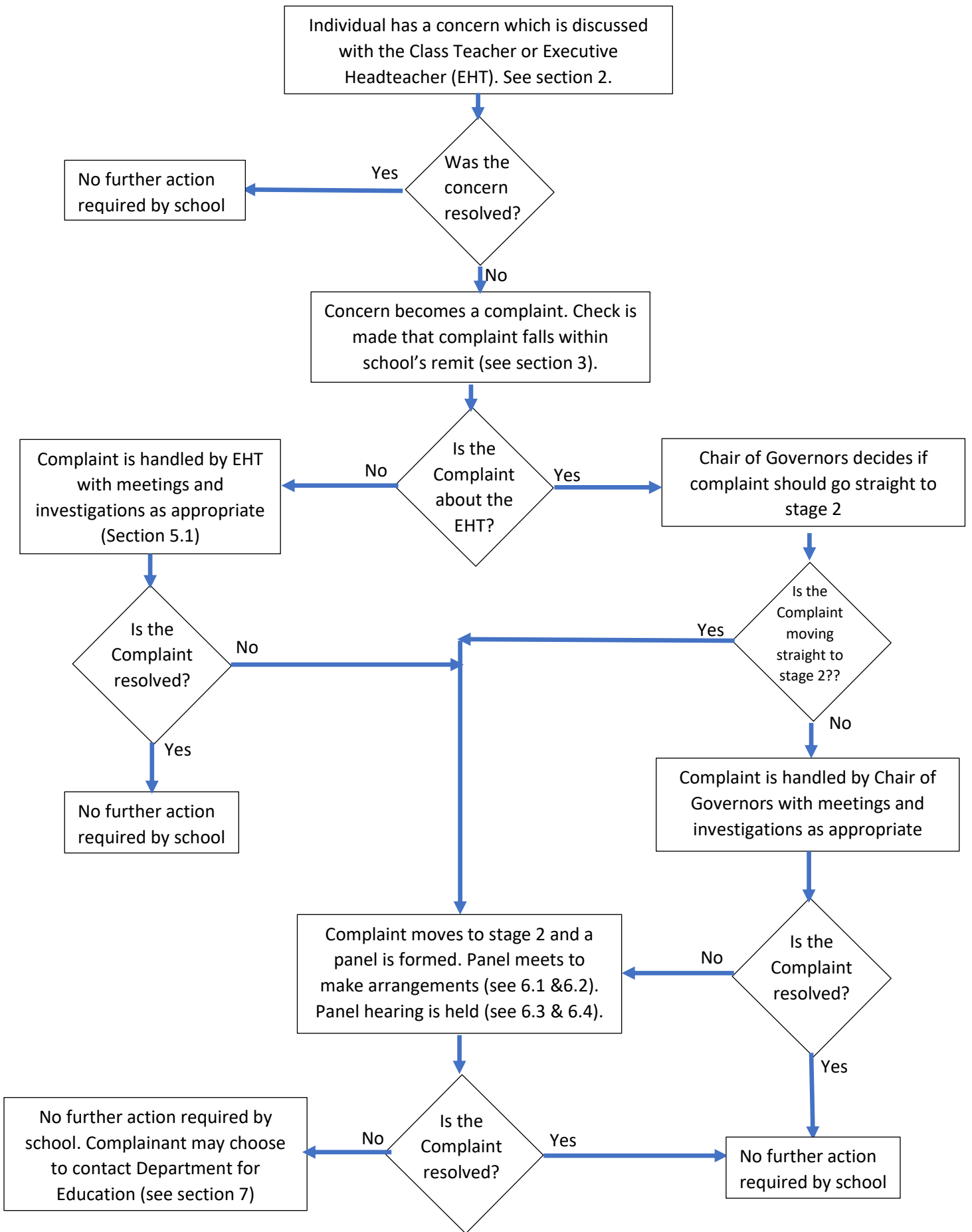
Queries regarding any aspect of the complaints procedure should be directed to the clerk to the governing board via the school office.

## **11. Vexatious Complaints**

A complaint may become vexatious when it has been properly considered and dealt with, but the complainant is not prepared to accept the conclusion or persists in making the same or substantially the same complaint. Continuing with such complaints can unreasonably take up

time and resources and detract from the responsibility to others in the school community. If the Chair of Governors judges that a complaint has become vexatious he/she will inform the complainant in writing of this, stating that the matter is now closed.

Appendix I – Flow Chart of Complaints Process



## Appendix II – Stage 1 Complaint Form

This form may be used if a Complainant feels that a concern hasn't been addressed and wishes to move the concern to a complaint, or if a Complainant has a matter that they wish to immediately raise as a complaint.

The form should be returned to the Executive Headteacher OR if the complaint is about the Executive Headteacher it should be sent to the Chair of Governors, via the school office or email.

<p>Your Name: .....</p> <p>Relationship with school (e.g. parent of pupil) .....</p> <p>.....</p> <p>Pupil Name (if relevant to the complaint) .....</p> <p>Contact phone number .....</p> <p>Contact email .....</p>
<p>Please give concise details of your complaint (this may include dates, names of witnesses and other relevant information) to allow the matter to be fully investigated. Please continue on separate sheets if necessary.</p>

What action, if any, have you already taken to try to resolve your complaint? (e.g. who have you spoken with or written to and what was the outcome).

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

Signed:

Date





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

Signed:

Date