



Penrose Learning Trust

Policy name	Complaints
Member of Staff Responsible	SSK
Issue Status/Date	12 th December 2024
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Signed	Chair of Trust Board

Penrose Learning Trust comprises of:

Claydon High School
Claydon Primary School
Colchester Academy
Dale Hall Community Primary School
East Bergholt High School
Elmstead Primary School
Frinton-on-Sea Primary School
Great Bentley Primary School
Hadleigh High School

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Introduction

Penrose Learning Trust (the Trust) recognises that on occasions parents/carers or students may need to raise a concern or complaint about the Trust or one of its schools. The Trust takes all concerns and complaints seriously and is committed to seek to resolve any matter raised in a positive way and make identified improvements.

In this policy a concern is defined as an 'expression of worry or doubt over an issue considered to be important for which reassurances are sought'. A complaint may be generally defined as 'an expression of dissatisfaction however made, about actions or lack of action'.

This policy must be made available to parents and carers of students at the following schools:

- Claydon Primary School
- Dale Hall Community Primary School
- Elmstead Primary School
- Frinton on Sea Primary School
- Great Bentley Primary School
- Claydon High School
- Colchester Academy
- East Bergholt High School
- Hadleigh High School

This policy will also apply to any schools that join the Trust after the issue date.

This policy applies to all concerns and complaints raised by parents/carers of pupils attending a school within the Trust (as set out above) relating to the Trust and its schools and any provision of facilities or services provided. Usually, however, matters relating to admissions and exclusions, statutory SEN assessments, matters likely to require a child protection investigation, data protection/Freedom of Information Act, third party contractors/suppliers will not be considered under this policy as they have their own appeal or complaint processes. Where necessary, the Trust will exercise its discretion.

Whistleblowing and staff grievances and discipline matters will not be considered under this policy.

To enable a proper investigation, concerns or complaints should be brought to the attention of the school or the Trust as soon as possible, in line with the procedures outlined in this policy. In general, this should be no later than three months after the event (or latest event, in the case of a series of incidents) to which the concern or complaint relates. The Trust will consider complaints made outside of this timeframe if exceptional circumstances apply.

Complaints relating to the Academy Committee (AC) and/ or any member of the AC, should be addressed to the Chair of the Trust Board and sent directly to Penrose Learning Trust, Heath Road East Bergholt, Colchester, Essex, CO7 6RJ

Complaints about the Chief Executive Officer, or any member of Trust personnel, should be addressed to the Chair of the Trust Board and sent to Penrose Learning Trust, Heath Road East Bergholt, Colchester, Essex, CO7 6RJ

Complaints regarding a Trustee, should be address to the Governance Manager and emailed to cbarratt@penroselearningtrust.uk.

Complaints should not be raised with members of the AC or Trustees who may be required to have a formal role if a complaint reaches a Panel Hearing. Any exceptions to this are outlined in the policy e.g. when asked to contact the Chair

Anonymous complaints will not normally be investigated under this policy unless, there are exceptional circumstances. However, the Trust, if appropriate, will determine whether the complaint warrants an investigation.

Complaint Campaigns will necessarily involve a deviation from the policy. For example, a standard template response may be sent to all complainants, or a single response may be published on the school website. At Stage 3, the number of complainants able to attend will be at the Trust's absolute discretion.

Complaints made at weekends, or during holiday periods, will be deemed to have been received on the first school day after the weekend or break. This will also apply to complaints sent to the Trust.

If a Complainant wants to withdraw their complaint, they will be asked to confirm the withdrawal in writing.

For the avoidance of doubt, this policy does not apply to those who are not parents/carers of pupils at a school within the Trust. Complaints that fall into this category will be dealt with as follows:

Complainants should first attempt to address their complaint to the relevant Academy (school) or the Trust (as appropriate) informally raising the matter with a relevant member of the Academy or Trust Staff, within 3 months of the incident or, where a series of associated incidents have occurred, within 3 months of the last of these incidents. The Academy/Trust (depending on the nature of the complaint) will seek to resolve the matter informally within 15 school days.

If it is not possible to resolve the matter informally, the complaint may be submitted in writing using the form available at Appendix 1, following the procedures outlined in this policy.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect and courtesy
- Make sure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The individual school will aim to give the complainant the opportunity to complete the complaints procedure (in so far as it applies to the complainant, see above) in full.

To support this, we will make sure we publicise the existence of this policy and make it available on the Trust and its schools' websites.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

Complaint Resolution through this Procedure

An overview of the stages within our Complaints Procedure can be found at Appendix A and within the flowchart at Appendix C. Details of how to submit a Complaint Form can be found at Appendix B.

There are three stages to the Complaints Procedure:

- Stage One - Informal Resolution
- Stage Two - Formal Resolution at School Level - Senior Leader, Headteacher, Independent Investigator
- Stage Three - Formal Resolution - Panel Hearing

The aim of each stage is to ensure that the complaint is fully considered, and a clear finding is communicated to the complainant, which either resolves the matter to their satisfaction or explains why this is not possible.

Complainants will be required to seek resolution to any new issues or complaints through Stage One of the complaints processes before these can be considered at any later stage in the complaints process.

Although every effort will be made to comply with the timescales within each stage of this procedure, this may not always be possible; for example, due to the complexity of the investigation required or the unavailability of a witness to attend a meeting. Where a timescale cannot be complied with, the complainant will be written to within the specified timescale to inform them of the reasons for delay and the new timescale that will apply.

Where the procedure refers to 'school days,' this means days falling within term time excluding school and bank holidays and non-teaching days.

Electronic recordings of meetings must not be made by either the Trust, school or the complainant, unless a complainant's own disability or additional needs require it. The Trust will make any decision on this matter. A meeting to discuss a complaint may not go ahead if the complainant is insistent on recording the meeting (in circumstances where the complainant does not have a disability or special needs which render the recording appropriate). The Trust / school will take notes of any meetings to discuss a complaint, which may be shared afterwards.

Unless exceptional circumstances apply, the Trust or school will not accept, as evidence, recordings of conversations that were obtained covertly and without informed consent of all parties being recorded.

Any complaint which is incorrectly directed to the Trust Office will be redirected to the relevant school and timescales will start from the receipt of complaint at the school.

Stage 1 Informal Resolution

- The Trust recognises that from time to time there may be normal and legitimate concerns about issues, matters or decisions within their schools. For example, concerns from parents/carers regarding the progress, achievement, behaviour or welfare of their child; and they are encouraged to make their concerns known at the earliest opportunity so they can be addressed.
- The Trust publishes guidance on how matters of concern should be raised on an informal basis. For each school within the Trust, this is documented in Appendix A.
- Concerns can often be resolved quickly and informally, through discussion, clarification, explanation or provision of further information, or sometimes simply by acknowledgement of the issue and a resolution.
- Concerns should be raised in the first instance with the relevant teacher (class teacher, form tutor, subject teacher or Head of Department) or an appropriate member of staff according to the matter concerned. This should be done in writing or verbally so the matter can be discussed.
- If the member of staff is unable to deal with the concern immediately, the individual will be contacted as soon as the matter has been looked into. If a concern is raised with a member of staff who feels that they are not the best person to deal with it, the matter will be referred to another member of staff as appropriate (still at Stage One of the Procedure).
- Schools will acknowledge all concerns within **48 hours of receipt** and provide an informal response within **7 school days** of any meeting or discussion with the complainant. If, for any reason, this time frame is not achievable, complainants will be contacted and advised of a revised response date. If a matter is not resolved at the informal stage, then a complainant may take it to the formal stage (Stage 2).
- It is a precondition to the operation of this procedure that the complainant shall have made reasonable attempts to seek an informal resolution and shall have acted in relation to the matter in a reasonable and measured way. The Chair of the AC shall have discretion, which will be exercised reasonably, not to allow a complaint to be pursued where this precondition has not been met.

Stage 2 Formal Resolution at Local Level: Investigation by a member of the Senior Leadership Team, Headteacher or Independent Investigator

- The complainant must put the complaint in writing, addressed to the Senior Leadership Team setting out briefly the facts and stating that they wish the complaint to be dealt with at Stage 2, also outlining what it is that the complainant considers should have been done at stage 1 and why they are dissatisfied or where the school has not met reasonable expectations and what remedy is sought. The school will acknowledge the written complaint within **48 hours** of receipt.
- An investigation will be carried out by a Senior Leader, Headteacher or Independent Investigator which may include the offer of a meeting with the complainant. The appointed person (the Lead) will speak to others involved. Whenever reasonably possible, any meeting with the complainant will take place within **15 school days** of the written complaint being received.
- The lead will put their findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done either within **15 school days** of any meeting with the complainant; or, if no meeting is arranged it will be within **15 school days** of the written complaint being received.
- Any complaint relating to the lead must be raised in the first instance with the Head who will, if an informal resolution has not been reached, organise either for the HR team, or another Head from within the Trust to investigate. The member of staff appointed will follow the Stage Two process outlined above.
- Where the complainant remains dissatisfied, they may request that the complaint is dealt

with at Stage Three. Any such request must be set out in writing, stating where the complainant remains dissatisfied and lodged within **10 school days** of the complainant receiving the findings in writing.

Complaints about the Head: Where a complaint involves, or is against, the Head, the complainant must put the complaint in writing, addressed to the Chair of the Academy Committee, setting out briefly the facts and stating what it is that the complainant considers should have been done and what remedy is sought. The Academy Committee Chair will, if an informal resolution cannot be reached, designate a member of the Trust's Central HR team and/or an independent investigator to investigate the complaint and follow the stage 2 process set out above. Where the complainant remains dissatisfied, they may request that the complaint is dealt with at Stage Three. Any such request must be set out in writing, stating where the complainant remains dissatisfied and lodged with in 10 school days of the complainant receiving the findings in writing.

Stage 3 Formal Resolution: Panel Hearing

- The Complaints Panel of the Trust will consider all complaints at Stage Three which have been escalated to under this policy at Stage Two.
- New complaints that have not been raised at an earlier Stage may not be brought before the Panel.
- The Complaints Panel will comprise at least three people, which will include one person who is independent of the management and running of the Trust and of the relevant school.
- The Complaints Panel may also include one or more persons from the following categories who have no prior knowledge of the complaint:
 - a member of the Academy Committee from the school where the complaint emanated from;
 - a member of an Academy Committee from a school within the Trust; and/or
 - a member of the Board of Trustees from the Trust.
- None of the members of the Complaints Panel will have been directly involved in the matters detailed in the complaint.
- The Clerk to the Trust/Academy Committee will invite the individual school to put in writing its response to the complainant. The school will provide this within **15 school days** of the Clerk's invitation. At the end of that period (whether or not the school has responded) the Clerk will convene a meeting of the Complaints Panel. That meeting will be held as quickly as practicable given the need to find a date that is reasonably convenient for the complainant, the school and the members of the Complaints Panel. Whenever possible, the meeting will be held within **15 school days** of the end of the school's response time and allowing time for the paperwork to be circulated to both parties and the Panel in advance of the hearing. The complainant, will be entitled to be accompanied at the hearing if they wish. Legal representation will only be permitted in exceptional circumstances.
- The meeting is not a court case, it will be held in private and will be as informal as circumstances allow. For this reason, electronic recordings of meetings or conversations are not permitted unless a Complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before the recording of the hearing takes place. Consent will be recorded in any minutes taken. The complainant will have the opportunity to state their reasons for dissatisfaction and to enlarge on them but may not introduce reasons that were not previously put in writing. New evidence may not be adduced. The school will have the opportunity to present its side of things and each party, as well as the Panel members, will be able to ask questions. The complainant will have the opportunity to make final comments to the Panel.
- The Panel may make findings and recommendations and a copy of those findings and recommendations will be:

- given in written form (hard copy) to the complainant and, where relevant, the person about whom the complaint was made;
- available for inspection on the Trust premises by the Trust Central HR Team, and the Chief Executive Officer.
- The Panel will formulate its response as quickly as reasonably possible, aiming to do so within **10 school days** after the Panel hearing, and the Clerk will notify all concerned.
- The Panel will proceed irrespective of whether or not the Complainant and/or anyone authorised to act on their behalf attend. If the complainant fails to attend on the day without compelling reasons, the Panel will still proceed in their absence and the process will continue to its conclusion. Any further attempt to re- open the matter will be considered as falling under the “Serial or persistent complainants” section as set out below.

Serial or Persistent Complainants

If, at any level, a complainant attempts to reopen an issue or a closely related issue that has already been dealt with under this complaint’s procedure, the Chair of the Trust Board may write to the complainant to inform him/her that the procedure has been exhausted and the matter closed, that continued correspondence is serial or persistent and that the Academy Trust will not respond to any further correspondence on this issue or any closely related issue.

Vexatious or frivolous complaints

Where complaints are received which:

- Are obsessive, persistent, harassing, prolific, or repetitious;
- Insist upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason;
- Insist upon pursuing meritorious complaints in an unreasonable manner (see Appendix C, below for an extensive but non-exhaustive list of examples);
- Are designed to cause disruption or annoyance;
- Demand redress that lacks any serious purpose or value

In such cases, the Chair of Trustees may write to the Complainant to inform him/her that the complaint is deemed to be vexatious and that the Trust will not respond to any further correspondence on this issue or a closely related issue.

Legal Proceedings

If a Complainant threatens or commences legal action against the Academy/Trust (including the issuing of a letter before claim) 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.

Record Keeping

A written record will be kept of all complaints that were resolved at the formal stage of the complaint’s procedure. Records will contain details of which stage the complaint was resolved at Complaints Panel Hearing. The action taken by the School or the Trust as a result of a complaint (regardless of whether it is upheld) will also be recorded.

Confidentiality and Data Protection

All complaints will be handled in the strictest of confidence by the Trust and its schools and Data Protection principles will be applied in line with the Trust’s Data Protection Policy.

Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 Education & Skills Act 2008 requests access to them.

Taking a Complaint Further

If the complainant is not satisfied with the way their complaint has been handled, they may escalate their complaint to the DfE. The DfE will expect the complainant to have first exhausted the Trust's Complaints Procedure.

The DfE will not overturn the Trust's decision about the complaint. However, if they find that the Trust did not comply with its own Complaints Procedure when considering a complaint, they will request that the complaint is looked at again. The DfE can be contacted via the Department for Education's [online complaint form](#) or in writing to: Department for Education, Piccadilly Gate, Store Street, Manchester M1 2WD. It is expected that complainants will also keep their complaint private and confidential. Complainants are not expected to discuss complaints publicly via any form of social media or with third parties. The posting of any defamatory, offensive or derogatory comments on social media sites by parents/carers will be regarded as unacceptable conduct and will be managed in consultation with the Trust's legal advisers.

Due to privacy rights under general data protection regulations, information relating to an outcome if it relates to a third-party individual, i.e., disciplinary action of a member of staff or another pupil / student, will not be disclosed, unless where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them.

Appendix A

- Stage 1: Informal Procedures

Please begin by telling the class teacher, subject teacher or member of staff. This is usually the best and quickest way of resolving issues.

- It is recommended that you make an appointment to speak to the relevant member of staff as soon as possible as this will give both parties the opportunity to talk about the issue. However, please bear in mind that schools are busy organisations and it may not be possible to offer an appointment straight away.
- The purpose of this meeting should be to establish the nature of the concern and to seek a realistic resolution to the problem.
- It is good practice for the staff member concerned to make a brief written record of the concern raised and any actions agreed.

You can make contact by letter, email or by telephoning the school:

School	Address	Email	Telephone
East Bergholt High School	Heath Road, East Bergholt, Colchester, Essex, CO7 6RJ	enquiries@ebhigh.org.uk	01206 298200

Please note that complaints should be directed to the designated address above and not to the addresses of individual members of staff.

- Stage 2: Formal Procedure

A member of the school's Senior Leadership Team is involved at Stage Two. Please note that complaints should be directed to the relevant school address given above marked Stage 2 formal complaint for the attention of the Senior Leadership Team and not to the addresses of individual members of staff.

School	Senior Leadership Team
East Bergholt High School	Deputy Head - Mr R Herbert Deputy Head - Mrs J Woolley Assistant Head – Mrs N Haigh Assistant Head - Mr B Lawrence

If complaints have not been resolved at Stage Two, then they may progress to Stage Three. The complainant must put the complaint in writing, addressed to the Head, setting out briefly the facts and stating what it is that the complainant considers should have been done at stage 1 and 2, or where the school has not met reasonable expectations.

Complaints should be addressed to the Head as follows:

School	Headteacher	Email
East Bergholt High School	Mr Dan Woodcock	enquiries@ebhigh.org.uk

If the complaint is regarding the Headteacher then please address as follows:

'The Academy Committee Chair', School Name and either leave at school reception or email to the Governance Manager - Catherine Barratt at cbarratt@penroselearningtrust.uk

Appendix B - How to submit your complaint:

- Please email or write to the relevant school, stating clearly which stage of the Complaints Policy your complaint relates to
- Please refer to the relevant stage in the policy for the required information to be submitted with your complaint.

Penrose Learning Trust Complaints Form (Stage 2)

Please complete and return to the school (see Appendix A). We will acknowledge receipt within 48 hours and advise you of the member of staff investigating your complaint.

School name:	
Your name:	
Pupil/Student's Name:	
Your relationship to the student/pupil	
Address: Postcode:	
Daytime telephone number (and please advise of a convenient time to ring):	
Evening telephone number (and please advise of a convenient time to ring):	

Please give details of your complaint, including whether you have spoken to anybody at the school

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

Is there any paperwork you would like to attach? Please give details.

Signature:

Date:

Official use

**Date acknowledgement
sent:**

By whom:

Complaint referred to:

Date response sent:

Appendix C - Vexatious, Persistent and Unreasonable Conduct

All schools, together with the Trust, are committed to dealing with complaints fairly and impartially, and to providing a high-quality service to those who raise concerns. We will not usually place restrictions on the complaints process, but we also have a duty of care to all staff. In consultation with legal advisers, we will act to protect staff from unacceptable and unreasonable conduct and behaviour, including that which is abusive, threatening or offensive.

Examples of unacceptable conduct include:

- Refusal to specify the grounds of a complaint, despite offers of assistance from school staff;
- Refusal to cooperate with the complaint's investigation process or insistence on the complaint being dealt with in ways which are incompatible with the school's complaints procedure;
- Interfering with the Complaints process by producing witness statements or telephoning others who may be involved (including staff, students or parents/carers);
- Making unnecessarily excessive demands on the time and resources of School staff whilst a complaint is being investigated;
- Making unjustified complaints about staff who are trying to deal with the issues and seeks to have them replaced;
- Lodging numbers of complaints in batches over a period of time, resulting in related complaints being at different stages of a complaints procedure;
- Changes to the basis of the complaint as the investigation proceeds;
- Refusing to accept that issues are not within the remit of a complaints procedure or demanding outcomes which the complaints procedure cannot in itself provide. This could include the overturning of court decisions, or the dismissal or criminal prosecution of staff;
- Electronically recording meetings, telephone calls and conversations with staff without express permission of the Trust;
- Publishing unacceptable information on social media or public forums;
- Seeking to coerce, intimidate or threaten staff or other people involved, whether through use of language, tone of voice or behaviour including body language. Please note: the school's right to respond to intimidating, threatening or derogatory comments includes telephone calls, email and the use of social media;
- Knowingly providing falsified information;
- Submitting repeat complaints essentially about the same issues, which have already been addressed under the school complaints procedure;
- Persistence in contacting the school and demanding responses or action long after the school has closed the enquiry/investigation into a complaint and all rights of review and appeal have been exhausted.

Wherever possible, the investigating member of staff will raise concerns relating to conduct directly with the complainant. If conduct is not amended, concerns will be put in writing. Where the conduct continues, legal advice will be sought and a specific plan for communication may be put in place. Any serious incident or threat will be reported to the police and the individual concerned may be barred from the school site.

Appendix D - Flowchart of procedure for handling concerns and complaints

