

## PENRYN COLLEGE

# Complaints Policy

**Responsible SLT member:** Tamsin Schouten

**To be reviewed:** December 2021

**Published:** Virtual School, Website

Appendices:

1. Complaints Form
2. ESFA Procedure for dealing with complaints about Academies
3. Additional guidance on complaints regarding staff or governors
4. Summary diagram

School Name: Penryn College

School Complaints Officer: Mrs Tamsin Schouten

Contact Details: Tel: 01326 372379

Address: Penryn College, Kernick Road, Penryn, Cornwall, TR10 8PZ

## **Introduction**

The school welcomes feedback on the services it provides. Should anyone be unhappy with any aspect of the school, it is important that the school learns about this.

As schools have legal responsibilities to deal with many general complaints, this policy outlines how such complaints will be dealt with by the school.

Children as well as parents have legitimate rights to express concerns or to make complaints, but maturity and understanding will vary from child to child. Therefore, the school will consider a complaint on its merits. Please note that a person does not have to be a parent or a pupil of the school to make a complaint. Please also note that anonymous complaints cannot be examined under a complaints procedure.

Governors have an important role to play in considering complaints. However, it is important for parents to understand that individual governors must not investigate complaints outside this procedure. All complaints should be addressed to the school Complaints Officer in the first instance whose details are recorded above.

Please note that should a complaint, informal or formal, reveal an issue for which other procedures exist (for example, child protection) then it will be dealt with under those procedures rather than as a complaint.

### **1. Stage 1 - Informal Resolution**

- 1.1. Many enquiries and concerns can be dealt with satisfactorily by the class teacher, the Headteacher or other members of staff without the need to resort to a formal procedure. The school values informal meetings and discussions.
- 1.2. There is no suggested time-scale for resolution at this stage given the importance of dialogue through informal discussion although it would be expected that most issues would be resolved within 10 school days. If this informal stage requires more time then the school will inform the complainant of this in writing as soon as this is known.
- 1.3. Please note that 'in writing' means a letter or an email. The final report of any formal investigation will be sent in paper form.
- 1.4. Should the face to face discussions appear unlikely to resolve matters, either party may initiate a move to the next stage (Stage 2 below) of the procedure. A copy of the school's Complaints Policy will be forwarded to the complainant at this stage if it has not been provided as part of Stage 1.

### **2. Stage 2 - Formal Written Complaints**

- 2.1. The complainant should set out the precise nature of the complaint on the form provided and return this to the Complaints Officer. The complainant should keep a copy of this form and all other relevant correspondence.
- 2.2 Should a complaint be about a general matter, the Complaints Officer may be able to respond immediately, e.g. if it only requires an explanation of school policy. For complaints that relate to specific actions or events, there is likely to be a need for further investigation in order to clarify the facts. The Complaints Officer or their nominee will normally undertake this investigation.
- 2.3 However, if in the early stages of the investigation, the Complaints Officer considers that the complaint is best dealt with at Stage 3, it will be passed to the chair of governors (or to the clerk to the governing body for the chair's attention) and the complainant informed of this action without delay.
- 2.4 Should the Complaints Officer, the Headteacher or a governor be the subject of a complaint, these will be dealt with under Stage 3 below. The complainant should send the form directly to the chair of governors (or to the clerk to the governing body for the chair's attention) c/o the school marking the envelope 'private and confidential'.
- 2.5. Should the chair of governors be the subject of a complaint, the complainant should send the form directly to the vice-chair of governors (or to the clerk to the governing body for the vice-chair's attention) c/o the school marking the envelope 'private and confidential'.
- 2.6. All formal complaints will be acknowledged within 5 school days of receipt.
- 2.7. Investigations at this stage should normally be completed within 20 school days of receipt of the complaint, unless there are circumstances that require a longer investigatory period. The complainant will be informed in writing should more time be required.
- 2.8. The school will aim to send a formal written response within 5 school days of the completion of the investigation. This gives a target of 5 school weeks for the completion of this stage of the procedure.
- 2.9. Following the Stage 2 investigation, the Complaints Officer will decide on one of two outcomes:-
  - Recommend that appropriate remedial action necessary to resolve the complaint be undertaken, or
  - Confirm that all internal investigative measures have been exhausted and uphold the original informal response if this had occurred.
- 2.10. The decision is confidential to the complainant and to the governing body.
- 2.11. The complainant may take the complaint further if they are unhappy with the Stage 2 outcome by giving notice of their intention within 10 school days of their receipt of the formal outcome. This notice should be made in writing to the chair of governors (or to the clerk to the governing body for the chair's attention) c/o the school marking the envelope 'private and confidential'.
- 3. Stage 3 - The Governing Body**

- 3.1 Where the Complaints Officer is unable to resolve a complaint to the satisfaction of the complainant or where there is a complaint against the Complaints Officer, the Headteacher or a governor, the complainant should write to the chair of governors (or to the clerk to the governing body for the chair's attention) c/o the school marking the envelope 'private and confidential' including copies of all relevant documents.
- 3.2 Should the chair of governors be the subject of a complaint, the complainant should send the form directly to the vice-chair of governors (or to the clerk to the governing body for the vice-chair's attention) c/o the school marking the envelope 'private and confidential'.
- 3.3 A panel of three governors must be convened by the chair (or vice-chair) of governors to investigate the complaint, one panel member must be independent of the management and running of academy.
- 3.4 Parents should be allowed to attend and be accompanied at a panel hearing if they wish.
- 3.5 All formal complaints will be acknowledged within 5 school days of receipt.
- 3.6 Investigations at this stage should normally be completed within 20 school days of receipt of the complaint, unless there are circumstances that require a longer investigatory period. The complainant will be informed in writing should more time be required.
- 3.7 The school will aim to send a formal written response within 5 school days of the completion of the investigation.
- 3.8 This gives a target of 5 school weeks for the completion of this stage of the procedure.
- 3.9 Following the stage 3 investigation, the panel will decide on one of two outcomes:-
  - Recommend that appropriate remedial action necessary to resolve the complaint be undertaken, or
  - Confirm that all internal investigative measures have been exhausted and uphold the original response.
- 3.10. The decision is confidential to the complainant and to the governing body.
- 3.11 provides for the panel to make findings and recommendations and stipulates that a copy of those findings and recommendations is -
  - (i) provided to the complainant and, where relevant, the person complained about; and
  - (ii) available for inspection on the school premises by the proprietor and the head teacher;
- 3.12 provides for a written record to be kept of all complaints that are made in accordance with sub-paragraph
  - (i) whether they are resolved following a formal procedure, or proceed to a panel hearing; and
  - (ii) action taken by the school as a result of those complaints (regardless of whether they are upheld); and
- (iii) provides that correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them."

**4. Stage 4 – Education Funding Agency (ESFA)  
Procedure for dealing with complaints about Academies (see Appendix 2)**

**What can I do if I am not happy with the school's and governing body's responses?**

If the complainant has been through all the stages of the academy's complaints procedure but remains dissatisfied, they can ask the ESFA to review the handling of their complaint.

If the complainant has been through all the stages of the academy's complaints procedure but remains dissatisfied, they can ask the ESFA to review the handling of their complaint.

The complainant can access the ESFA's procedures in Appendix 2 or from the Complaint About Academies page on the Department for Education website. Alternatively they can write to:

Academies Central Unit (Academy Complaints)  
Education Funding Agency  
Earlsdon Park  
53-55 Butts Road  
Coventry  
CV1 3BH

Telephone: 0370 000 2288

## APPENDIX 1

### COMPLAINTS FORM

Please complete and return to Penryn College (c/o Mrs Tamsin Schouten) who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name (if applicable):

Address:

Postcode:

Daytime telephone number:

Evening telephone number:

Please give details of your complaint:

What action, if any, have you already taken to try and resolve your complaint.  
(Who did you speak to and what as the response?)

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

Are you attaching any paperwork? If so, please give details:

Signature:

Date:

**Official use**

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

## **APPENDIX 2**

### **EDUCATION FUNDING AGENCY**

#### **Procedure for dealing with complaints about academies**

##### **Introduction**

The Education Funding Agency (ESFA) handles complaints about open academies and free schools. Part of our role is to make sure academies comply with the terms of their funding agreement which is a contract between the academy and the Secretary of State.

The following information explains how you can complain to the ESFA about academies. It also sets out our procedure for considering them. This is not the procedure for complaints about the administration of independent appeal panels for admissions to academies. You can find information on that [here](#).

Before submitting a complaint to us your first step should be to make a complaint directly to the academy following its complaints procedure.

##### **Responsibilities of academies**

Academies must make available on request a procedure for dealing with complaints from parents of pupils. We recommend that academies publish this online. For complaints from parents of pupils, this procedure must comply with The Education (Independent School Standards) Regulations 2010 and offer:

- an opportunity to resolve the complaint with the academy on an informal basis, for example through discussion with a senior member of staff;
- a formal complaint stage when the complaint is made in writing and usually responded to by the chair of governors; and
- a hearing with a panel set up by the academy trust, comprising at least three people not directly involved in the matters detailed in the complaint, one of whom must be independent of the management and running of the school. Parents must be allowed to attend the panel and be accompanied if they wish

Academies may choose to handle complaints from those who are not parents of pupils at the academy differently. In these cases, we recommend that that the academy should clearly explain to the complainant how their complaint will be handled.

##### **What the ESFA will investigate**

We will look at complaints about academies that fall into the following areas:

- undue delay or non-compliance with an academy's own complaints procedure
- an academy's failure to comply with a duty imposed on it under its funding agreement with the Secretary of State



- an academy's failure to comply with any other legal obligation, unless there is another organisation better placed to consider the matter as set out in the next section

### **What the ESFA will not investigate**

**We will not investigate** complaints that are, for example:

- about the quality of education or leadership, or concerns affecting the school as a whole. These should be raised with [Ofsted](#)
- about discrimination. These should be raised with the [Equality Advisory Support Service](#)
- about data protection. These should be raised with the [Information Commissioner's Office](#)
- about exam malpractice or maladministration. These should be raised with the Office of Qualifications and Examinations Regulation ([Ofqual](#)) and relevant awarding body
- about criminal behaviour. These should be raised with the police
- about any matter which is, or has been, subject to legal action
- about employment matters. These should be raised through the academy's grievance procedure, or taken to an [Employment Tribunal](#)
- about safeguarding or child protection matters. These should be taken up with the academy's Local Safeguarding Children's Board
- about a child or young person's Statement of Special Educational Need where there is another route of appeal, for example the [First Tier Tribunal](#) (Special Educational Needs and Disability) Service formerly the Special Educational Needs and Disability Tribunal (SENDIST)

We will not consider complaints more than 12 months after a decision or action is taken. The only exceptions will be if the delay in sending the complaint to us was unavoidable or if there is evidence that the academy is not currently complying with legal requirements.

We reserve the right not to consider complaints that:

- are malicious (that is, they are instituted without sufficient grounds and serving only to cause annoyance)
- use obscenities, racist or homophobic language
- contain personally offensive remarks about members of our staff
- are repeatedly submitted with only minor differences after we have fully addressed the complaint

### **Whistleblowing**

We take seriously all whistleblowing concerns raised. Please consider submitting your complaint confidentially rather than anonymously. Submitting a complaint anonymously will make it difficult for us to conduct a full and thorough investigation. We will respect your confidentiality when investigating whistleblowing complaints. (see paragraph below).

If we can only proceed with an investigation by disclosing something to the academy that identifies you, we will ask for your consent first. If you do not give us your consent, it may be that we will not

be able to take your case any further. If the allegation is sufficiently serious to require an investigation we may reveal your identity without your consent.

### **Outcomes from investigations**

We cannot change any decision an academy has made about your complaint. Our role is to look at whether the academy considered your complaint properly, by following a procedure that is in line with legal requirements.

If we uphold a complaint then we may do one or both of the following:

- ask the academy to reconsider the complaint from an appropriate stage
- ask the academy to change its complaints procedure so that it complies with legal requirements

### **Complaining to the ESFA about an academy**

We will deal with complaints about academies in accordance with the following principles:

- academies should be receptive to genuine expressions of dissatisfaction
- complaints are dealt with promptly, fairly and proportionately; they are also resolved at the most local level possible
- in dealing with complaints the ESFA will take account of its public sector equality duty (under the Equalities Act 2010)

If, at any stage of the process, we believe we are unable to meet the deadline outlined in this procedure, we will tell you before the deadline.

We will give you:

- the reasons we are unable to meet the deadline
- a new deadline date

Where possible, please put your complaint in writing. If you have difficulty in providing details in writing, we will discuss with you alternative ways of receiving the information.

Complaints about academies should be sent:

- via the Department for Education's [schools complaints form](#)
- by post to Ministerial and Public Communications Division  
Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

## **Receiving the complaint**

Your complaint will be acknowledged in writing within 5 working days. Your complaint will be allocated to a named case officer who will write to you and consider your complaint in line with this procedure.

## **Assessing the complaint**

Within 10 working days of acknowledging your complaint we will either:

- let you know you that your complaint will not be investigated, explain the reasons why and where possible give you helpful information about what to do next
- let you know that we will investigate your complaint
- ask you for further information to enable us to make an assessment

If we are going to investigate your complaint, before we begin we will ask you to:

- agree a summary of your complaint prepared by us
- give us permission to disclose your details to the academy you are complaining about
- give us permission to ask the academy whether or not its complaints procedure has been followed through all its stages

## **Investigation**

Once you send us the information we have asked for we will look at it and, if appropriate, amend the summary of your complaint before sending it to the academy. The summary will be sent to the academy within 5 working days of receiving the additional information you have supplied.

We will then ask the academy to give us:

- an explanation of how each stage of its complaints procedure has been followed;
- a response to the summary of the complaint together with relevant information.

We will ask the academy to respond within 10 working days and, if necessary, to explain why this information should not be shared with you. For example some of the information provided might include data belonging to individuals not involved in the complaint.

We will forward the academy's response to you within 5 working days of receipt.

You will be asked to confirm within 5 working days whether you:

- are satisfied with the response, in which case we will close the case;
- wish to pursue the matter further.

If you do not think the response fully addresses your complaint, we will make a provisional decision within 10 working days based on the evidence gathered and send this to both you and the academy.

Both you and the academy will be asked to comment on the provisional findings within 10 working days.

### **Adjudication**

We will look at any responses from you and the academy and any new evidence on whether or not the academy was in breach of its funding agreement. We will then confirm our findings and decision in writing. This will be done within 5 working days of receiving the last response, or 15 working days from sending out the provisional findings, whichever is the later.

Once we inform you and the academy of our decision, we will close the complaint.

### **Actions**

If we uphold your complaint we will do one or both of the following:

- ask the academy to reconsider the complaint from an appropriate stage
- ask the academy to change its complaints procedure so that it complies with legal requirements

If the academy does not comply with the actions, we may, if appropriate, seek to enforce the decision on behalf of the Secretary of State through the courts under the terms of the funding agreement.

### **What to do if you aren't satisfied**

We take complaints about the service provided by the ESFA seriously and take every opportunity to learn how to improve our processes and our service. If you are concerned about the way the ESFA handled your complaint you can let us know via:

The ESFA's Contact Us form: <https://www.education.gov.uk/help/contactus/dfe>

Or by writing to:  
Education and Skills Funding Agency  
Cheylesmore House  
5 Quinton Road  
Coventry  
CV1 2WT

Or you can email: [complaints.efa@education.gsi.gov.uk](mailto:complaints.efa@education.gsi.gov.uk)

This document is also available from [www.gov.uk](http://www.gov.uk)

## **APPENDIX 3**

### **COMPLAINTS REGARDING GOVERNORS**

#### **Complaints additional guidance for complaints regarding staff or governors**

All formal complaints against a member of staff will be dealt with by the Headteacher and not the Complaints Officer unless she/he is the Headteacher.

A member of staff who is the subject of the complaint would normally be advised of the situation immediately. However, if the complaint involves a child protection issue, child protection arrangements will come into force involving the Social Services and Police.

The following procedure will be followed to investigate complaints about the conduct of members of staff:

- i) If, at any time during the investigation, there is a prima facie case for disciplinary action, the school's disciplinary procedure must be followed and no further action taken under the complaints procedure. This also applies where child protection procedures are being followed.
- ii) It may be advisable to meet with the complainant, before the investigation, in order to clarify the precise nature of the complaint and to discuss ways in which the matter might be resolved.
- iii. If a formal investigation is required, then the Headteacher will adhere to the following principles:-
  - (a) When a member of staff is the subject of a complaint, he/she will be given a copy and advised to contact their trade union or professional association for advice and support.
  - (b) The member of staff will be advised that a 'friend' or trades union representative may accompany him/her at any subsequent interview or hearing.
  - (c) The complaint will be treated only as an allegation during the investigation stage.
  - (d) The Headteacher will invite all parties (including witnesses) to provide written statements as part of the investigation.

#### **Complaints about the Headteacher**

Formal complaints about a Headteacher will be referred directly to stage 3 (governors' panel investigation) via the chair of governors. A Headteacher who is the subject of the complaint would normally be advised of the situation immediately. However, if the complaint involves a child protection issue, child protection arrangements will come into force involving the Social Services and Police.

The following procedure will be followed by the panel to investigate complaints about the conduct of the Headteacher:

- i) If, at any time during the investigation, there is a prima facie case for disciplinary action, the school's disciplinary procedure must be followed and no further action taken under the complaints procedure. This also applies where child protection procedures are being followed.

- ii) It may be advisable to meet with the complainant, before the investigation, in order to clarify the precise nature of the complaint and to discuss ways in which the matter might be resolved.
- iii) If a formal investigation is required, then the panel will adhere to the following principles:
  - (a) When a Headteacher is the subject of a complaint, he/she will be given a copy and advised to contact their trade union or professional association for advice and support.
  - (b) The Headteacher will be advised that a 'friend' or trades union representative may accompany him/her at any subsequent interview or hearing.
  - (c) The complaint will be treated only as an allegation during the investigation stage.
  - (d) The panel will invite all parties (including witnesses) to provide written statements as part of the investigation.

### **Complaints about a Governor**

Formal complaints about a governor will be referred directly to Stage 3 (governors' panel investigation) via the chair (or vice-chair) of governors. A governor who is the subject of the complaint would normally be advised of the situation immediately. However, if the complaint involves a child protection issue, child protection arrangements will come into force involving the Social Services and Police.

The following procedure will be followed by the panel to investigate complaints about the conduct of a governor:

- i) It may be advisable to meet with the complainant, before the investigation, in order to clarify the precise nature of the complaint and to discuss ways in which the matter might be resolved.
- ii) If a formal investigation is required, then the panel will adhere to the following principles:-
  - (a) When a governor is the subject of a complaint, he/she will be given a copy and advised to contact another governor for advice and support.
  - (b) The governor will be advised that another governor or a 'friend' may accompany him/her at any subsequent interview or hearing.
  - (c) The complaint will be treated only as an allegation during the investigation stage.
  - (d) The panel will invite all parties (including witnesses) to provide written statements as part of the investigation.

# Summary of Complaints Policy

