



Penryn College

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Complaints Policy

Date approved:	July 2026
Date due to be renewed:	July 2028
Person responsible:	Headteacher
Published:	Virtual School, School Website



Introduction

Penryn College endeavours to provide the very best possible education for all its students in an open and transparent way. We welcome any feedback that we receive from parents, carers, students and third parties and we accept that not all of this will be positive. Where concerns are raised, the school intends for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without prejudice

The difference between a concern and 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'.

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 complaint's procedure. Penryn College takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Penryn College will attempt to resolve the issue internally, through the stages outlined within this complaint's procedure.

How to raise a concern or make a complaint

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. We request that the complaints form is completed for all formal complaints as it helps the school frame the complaint and decide who is best placed to take forward the investigation and resolution. For ease of use, a template complaint form is included at the end of this policy. If you require help in completing the form, please contact the school office. You can also ask a third-party organisation for example like the Citizens Advice Bureau to help you. In accordance with equality law, we will make 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.

Complaints against school staff (except the Headteacher) should be made in the first instance, to the Headteacher via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the Headteacher should be addressed to the Chair of Trustees via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of Trustees, any individual trustee or the whole governing body should be addressed to the Governance Professional via the school office. Please mark them as Private and Confidential.

Anonymous complaints

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



Time Scales

You must raise the complaint within three months 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 and at the discretion of the school.

Complaints received outside of term time

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

Resolving Complaints Informally

At Penryn College, we endeavour to be reflective, and the majority of concerns can be dealt with informally, so that it can be done efficiently and learn from necessary improvements. The Chair of Trustees at Penryn College encourages those with concerns to raise them with the appropriate person (e.g., class teacher) and to work constructively towards resolving them. The extent to which this was attempted and followed may be taken into consideration when assessing the reasonableness of a complaint during the formal stages of the procedure.

The formal stages of the procedure should be followed when attempts to resolve concerns informally have proved unsuccessful and where the Headteacher believes the escalation is justified and warranted.

Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by Penryn College, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
Admissions to schools	Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding on 0300 1231 116, or 0300 1234 100 out of hours
Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline/exclusions/exclusions <i>*Complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i>



Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. 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 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.
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. 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.
Third-party suppliers using school premises or facilities	Are referred to separate complaint's procedures. The school will ensure any third-party supplier using school premises or facilities to offer community facilities or services has its own complaints procedures in place and such complaints do not fall within the scope of this policy.

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 this happens, we will inform you of a proposed new timescale.

If a complainant commences legal action against Penryn College in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

The formal stages of the complaint's procedure

At each stage in the procedure, Penryn College 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 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

Withdrawal of a complaint

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



Stage 1

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

Concerns should be raised with the Headteacher. The Headteacher will then appoint an investigating officer within the Senior Leadership Team who will acknowledge the concern within 5 school days. They will invite the complainant to a meeting to further discuss the nature of the concerns raised. At the conclusion of their investigation, the person investigating the complaint will provide a written response within 10 school days of the date of receipt of the complaint. If the issue remains unresolved, the next step is to escalate to Stage 2.

Complainants should not approach individual trustees 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 3 of the procedure.

Stage 2

1. The Headteacher (unless they are about the head teacher) will forward this complaint to the Complaints Officer, who will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) **within 5 school days**.
 - a. Within this response, the Complaints Officer or relevant member of the Senior Leadership Team, will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see.
2. During the investigation, the Complaints Officer (or investigator) will consider all relevant evidence which may include, but is not limited to:
 - a. Meeting with the complainant and those involved in the complaint
 - b. Obtaining statements from the complainant and those involved in the complaint
 - c. Reviewing correspondence and other documentation relating to the complaint.

A log of all correspondence in relation to the complaint and their investigation will be kept in accordance with the Data Protection Principles.

3. At the conclusion of their investigation, the Complaints Officer or designated SLT member will provide a formal written response **within 20 school days** (excluding those that fall on school holidays) of the date of receipt of the complaint. If the Complaints Officer is unable to meet this deadline, they will provide the complainant with an update and revised response date.
4. 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 Penryn College will take to resolve the complaint.
5. The Complaints Officer will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about the headteacher, or a member of the Trustee Board (including the Chair or Vice-Chair), a suitably skilled trustee will be appointed to complete all the actions at Stage 2.

Stage 2 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.

Stage 3 – Panel Hearing

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint with one panel member who is independent of the management and running of the school. This is the final stage of the complaint's procedure.



1. A request to escalate to Stage 3 must be made to the Governance Professional, via the school office, within **10 school days** of receipt of the Stage 2 response. 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 school days**. Requests received outside of this time frame will only be considered if exceptional circumstances apply.
2. 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 school days** of receipt of the Stage 3 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.
3. At least **10 school days** before the panel meeting, the Governance Professional will confirm and notify the complainant of the date and time of the meeting, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible. They will request copies of further written material to be submitted to the panel at least **5 school days** before the meeting.
4. Any written material will be circulated to all parties at least **5 school days** before the date of the meeting. The panel will not review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be raised at the informal stage of the procedure.
5. After considering the complaint afresh and reviewing available evidence, the panel can decide to:
 - a. Uphold the complaint and direct that certain action be taken to resolve it
 - b. Uphold the complaint in part (find an aspect or aspects of the complaint to be valid, but not the whole complaint) and direct that certain action be taken to resolve it
 - c. Dismiss the complaint entirely

The Chair of the Committee will provide the complainant and Penryn College with a full explanation of their decision and the reason(s) for it, in writing, within **5 school days**. 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 Penryn College will take to resolve the complaint.

Irrespective of the decision taken, it is always in the school's intention to keep improving its provision and service and therefore constructive feedback is welcome at all stages of this complaints process.

If the complaint is about a member/several members of the Trustee Board, stage 3 will be heard by a completely independent committee panel.

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 Penryn College.

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, along with what actions have been taken, regardless of the decision.

All 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 of the 2008 Act requests access to them.

Next Steps

Stage 3 is the **final stage** at which the school will consider the complaint. 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 ESFA after they have completed Stage 3.



The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by Penryn College. They will consider whether Penryn College has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed Part 7 of the Education (Independent School Standards) Regulations 2014.

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

Ofsted will consider complaints about schools, although they require that the school's complaints process is followed in the instance, unless relating to a serious breach such as safeguarding.

Serious, persistent or unreasonable complaints

Penryn College is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. The school will not normally limit the contact complainants have with the school itself; however, the school does not expect staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

For the purposes of this policy, "serious, persistent or unreasonable complaints" include:

- Vexatious complaints, 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.
 - Are designed to cause disruption or annoyance.
 - Demand for redress which lacks any serious purpose or value.
- Serial or persistent complaints, which:
 - Are duplicated, sent by the same complainant once the initial complaint has been closed.
 - Are new complaints that are submitted additionally, as part of an existing open complaint, by the same complainant.

A complaint may also be regarded as unreasonable when 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 cooperate with the complaints investigation process while still wishing their complaint to be resolved.
- Refuses to accept that certain issues are not within the scope of the complaint's procedure.
- Insists on the complaint being dealt with in ways which are incompatible with the complaint's procedure or with good practice.
- Introduces trivial or irrelevant information which they expect to be taken into account and commented on or 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 school's complaints procedure has been fully and properly implemented and completed, including referral to the ESFA.
- Seeks an unrealistic outcome.
- Makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the complainant:

- Acts maliciously or aggressively.
- Uses threats, intimidation or violence.
- Uses abusive, offensive or discriminatory language.
- Knows the complaint to be false/ uses falsified information.
- Publishes unacceptable information in media such as social media websites and newspapers.

The above applies regardless of the method the complaint is made, e.g. face-to-face, by telephone, in writing or electronically.

Complainants should limit the number of communications while a 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 member of staff or trustee leading the response to a complaint will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

Serial or persistent complaints will only be marked as 'serial' once the complainant has completed the complaints procedure. It is the complaint that will be marked as 'serial', meaning the complainant can complain about a separate issue if necessary.

If the behaviour continues, the individual handling the complaint will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school causing a significant level of disruption, the school may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.

A decision to stop responding will only be considered in circumstances where the following statements are true:

- Every reasonable step has been taken to address the complainant's concerns
- The complainant has been given a clear statement of the school's position and their options
- The complainant contacts the school repeatedly, making substantially the same points each time

If the above criteria are met, in making a decision to stop responding, the school will also consider if the complainant is often abusive or aggressive in their communication, makes insulting personal comments about or threats towards staff, or if the school believes their intent is to disrupt or inconvenience the school.

The school will not stop responding to a complainant on the basis that they are difficult to deal with or they ask complex questions.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the premises, in line with our Mutual Respect Statement.



Complaint Form

Please complete and return to the Complaints Officer who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: Postcode: Telephone number: Email address:
Please give details of your complaint, including actions taken to resolve informally with the school.



**What actions do you feel might resolve the problem at this stage?
What outcomes are you seeking?**

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

Signature:

Date:

Official use

Date acknowledgement sent:

By whom:

Complaint referred to:

Action taken:

Date:



Flowchart of Complaint Procedure

Stage 1

Complaint Received



Concern raised with Headteacher and Complaints Officer



Headteacher appoints SLT Investigating Officer



Investigator contacts complainant and arranges a meeting within **5 school days**



Investigation completed



Written response issued within **10 school days**



Is the complainant satisfied?



Complaint Closed

Escalate to Stage 2 within **10 school days** of receiving Stage 1 response

Stage 2

Stage 2 Complaint Received



Complaint acknowledged within **5 school days**

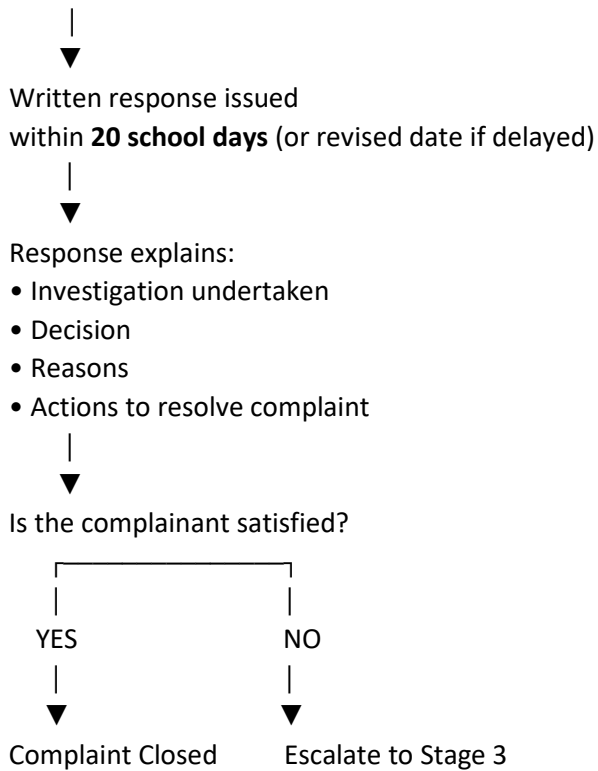


Clarify complaint, outstanding issues and desired outcome



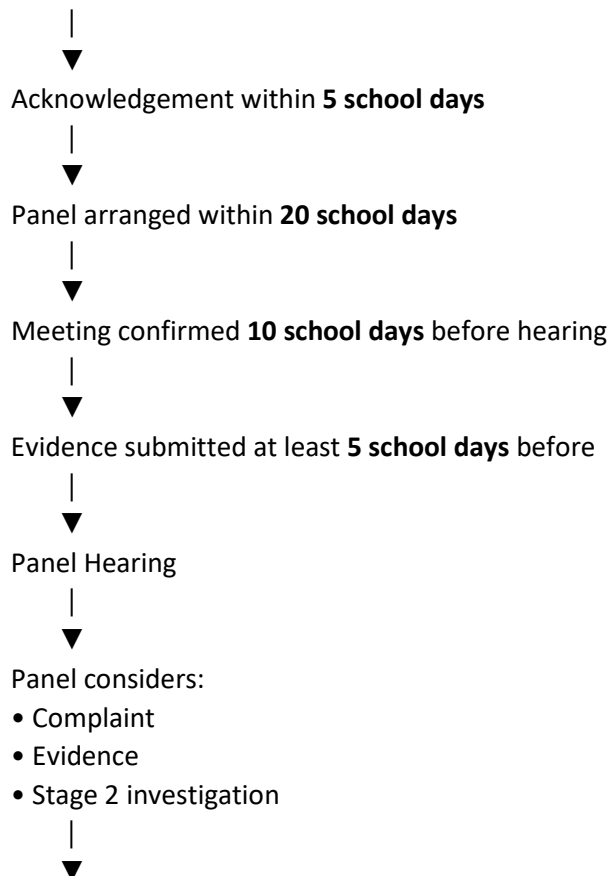
Investigation

- └— Meet complainant
- └— Meet witnesses
- └— Obtain statements
- └— Review documents
- └— Maintain investigation log



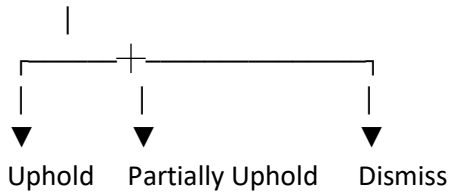
Stage 3

Request received within **10 school days**





Panel Decision



Written outcome within **5 school days**

Complaint Closed

Stage 3 is the **final stage**. If still dissatisfied → Complainant may contact ESFA