



CASTLE Trust

**Compliments and Complaints About Our Educational
Performance**

Policy, Practices and Procedures

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Approved By (signature):	 Trust Board Chair
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Learning For All, By All, With All

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1. Trust Policy Statement

- 1.1. Staff at Castle Trust ('the Trust') work very hard to ensure that every child is happy at school and makes good progress.
- 1.2. The Trust welcomes compliments from our stakeholders and records and shares them to celebrate and recognise the success of our academies and of our staff.
- 1.3. Parents are welcome to raise any concerns about the education provided by Trust academies so that action can be taken to put things right at the earliest opportunity. We always take parental concerns seriously and will make every effort to resolve issues quickly.
- 1.4. We aim to meet our statutory obligations when responding to complaints from parents of pupils at Trust academies. 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;
 - Keep complainants informed of the progress of the complaints investigation process; and,
 - Consider how the complaint can feed into academy improvement evaluation processes.
- 1.5. We try to resolve concerns or complaints by informal means whenever possible. If this is not possible, formal procedures will be followed. We aim to give complainants the opportunity to complete the complaints procedure in full.
- 1.6. When investigating a complaint, we will try to clarify:
 - What has happened;
 - Who was involved; and,
 - What the complainant feels would put things right.
- 1.7. We intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage. Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.
- 1.8. The Trust expects that complaints will be made as soon as possible when an issue arises and no later than three months afterwards. Exceptions to this timescale will be considered in circumstances where there was a valid reason to delay making a complaint and where the complaint can still be investigated in a fair manner for all involved.
- 1.9. We will investigate all written complaints relating to the academy's fulfilment of the Early Years Foundation Stage requirements and notify the complainant of the outcome within 28 days of receiving the complaint. The academy will keep a record of the complaint and make this available to Ofsted on request. If parents believe that a Trust academy is not meeting Early Years Foundation Stage requirements, they can notify Ofsted by calling 0300 123 4666 or by emailing

enquiries@ofsted.gov.uk. An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

2. Purpose

2.1. To ensure that the Trust has in place an effective system to manage compliments and complaints.

2.2. To ensure that the Trust's compliments and complaints process is fair and transparent.

2.3. To provide clear guidance for stakeholders on how to make a formal complaint regarding the educational performance at the Trust's academies and what will happen in the event of a compliment or complaint being received.

3. Compliance

3.1. Is this a Statutory Policy?

Yes. Maintained schools and academies are required to have in place a procedure for dealing with complaints about the school.

3.2. Legal Framework

This document meets the requirements set out in part 7 of the Schedule to the Education (Independent School Standards) Regulations 2014, which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the academy. It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on creating a complaints procedure that complies with the above regulations, and refers to good practice guidance on setting up complaints procedures from the Department for Education (DfE). This Policy complies with our funding agreement and Articles of Association.

In addition, this Policy addresses duties set out in the Early Years Foundation Stage statutory framework with regards to dealing with complaints about the academy's fulfilment of Early Years Foundation Stage requirements.

3.3. Sharing and Publication Requirements

Each Trust academy is required to publish a link to the Trust's Compliments Policy and Procedures on its website.

3.4. Review and Update

The Castle Trust Complaints Policy and Procedure will be reviewed and approved every four years in line with the Castle Trust Policy and Key Document Approval and Review Plan.

4. Definitions, Scope and Application

4.1. The DfE guidance explains the difference between a concern and a complaint. A concern is defined as "an expression of worry or doubt over an issue considered to be important for which reassurances are sought". The academy will resolve concerns through day-to-day communication as far as possible. A complaint is defined as "an expression of dissatisfaction however made, about actions taken or a lack of action". The academy intends to resolve complaints informally where possible and at the earliest possible stage. There may be occasions when complainants would like to raise their concerns formally. This Policy outlines the procedure relating to handling such complaints.

4.2. This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see the Trust's separate policies for procedures relating to these matters.

4.3. Arrangements for handling complaints from parents of children with SEN about the academy's support are within the scope of this Policy. Information about the rights of parents of pupils with disabilities who believe that a Trust academy has discriminated against their child can be found in academy SEN Information documents, which are published on academy websites.

4.4. Sometimes a complaint may arise from an issue that is not directly related to the academy's provision of education. For example, a complaint may relate to a person who is affiliated with the Trust but not employed to work in any of its academies. Different arrangements are in place to deal with these circumstances. Sections 4.1 to 4.3 of this Policy apply only to complaints which relate directly to the education provided by a Trust academy or to members of staff employed to work at that academy. Section 4.4 applies to complaints related to other Trust-affiliated persons.

4.5. Complaints about services provided by other providers who use academy premises or facilities should be directed to the provider concerned.

4.6. For the purpose of this Policy, the term 'Headteacher' includes Headteachers and Co-Heads of Academy.

4.7. For the purpose of this Policy, the term 'parent' includes all persons (including parents, carers and guardians) with legal parental responsibility for a child enrolled at a Trust academy.

4.8. This Policy is primarily intended to address complaints raised by parents of children enrolled at Trust academies. However, it is also possible that concerns or complaints may be raised by members of

the public who do not have a direct connection with any of the Trust's academies; as such, this Policy will also apply in those circumstances.

5. Practices and Procedures

5.1. Recording Compliments

- 5.1.1. Compliments are always welcome and whether made verbally or in writing will be recorded and shared within the Trust to encourage best practice and to celebrate and recognise the successes of our academies and their staff.
- 5.1.2. Compliments may also be shared with external stakeholders, such as Ofsted.
- 5.1.3. Any member of staff or volunteer (including Local Advisory Committee Governors) receiving a compliment, whether verbally, by text or in writing, should submit this to the Academy Office where transcripts of verbal compliments and hard copies of written/email compliments will be kept on file by office staff.

5.2. Complaints Process

5.2.1. Stage 1: Informal

In many cases, the provision or clarification of information will enable an issue to be resolved informally. The complainant should raise the complaint as soon as possible with the relevant member of staff or the Headteacher, either in person or by letter, telephone or email. Complaints from parents of children with SEN about the academy's support should first be made to the Class Teacher or Special Educational Needs Co-ordinator (SENCO) or Headteacher. If the complainant is unsure who to contact or how to contact them, they should contact the academy office.

The academy will acknowledge informal complaints within 5 school days and will investigate and provide a response within 10 school days either in person, or by letter, telephone or email. If the academy deems it to be appropriate, the complainant may be invited to meet with staff to discuss their concerns.

If it is not possible for a response to be provided within 10 school days, the complainant will be advised of the reason for this and given a revised timescale for the informal investigation. If the complainant is not satisfied that the complaint has been resolved informally, they can ask for the complaint to be escalated to a formal Stage 2 complaint.

5.2.2. Stage 2: Formal

In this stage of the process, the complainant should put the complaint in writing to the Stage 2 investigator. Usually the stage 2 investigator will be the Headteacher or someone appointed by the Headteacher for this purpose. However, where a complaint relates specifically to the Headteacher, the Stage 2 investigator will be the Chief Executive Officer. Where the complaint relates to a Headteacher who is also Chief Executive Officer of the Trust, the Stage 2 investigator will be the relevant Local Advisory Committee Chair.

The complainant's formal complaint letter should be marked with 'Stage 2: Formal Complaint'. It should provide details of the complaint (e.g. relevant dates, times and the names of any witnesses) along with copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

The Stage 2 investigator will then conduct an investigation. The written conclusion of this investigation will be sent to the complainant within 10 school days of receipt of the formal complaint letter. If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the Chair of the academy's governing body, known as the Local Advisory Committee (LAC), in writing within 5 school days.

5.2.3. Stage 3: Review Panel

This stage involves consideration of the complaint by a specially convened review panel (the 'panel'). Complaints can be escalated to Stage 3 if the complainant is not satisfied with the response to the complaint at Stage 2. In order to fulfil its remit, the panel will have access to the existing record of the complaint's progress.

The panel will be appointed by or on behalf of the LAC Chair and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the academy; therefore, the panel cannot be made up solely of LAC Governors from that academy. The independent panel member may be a Governor of another academy or school. The panel members will select one from among their number to act as Panel Chair for the purposes of the investigation.

If a LAC becomes aware of the substance of the complaint before the panel stage, the academy will, where reasonably practicable, arrange for an independent panel to hear the complaint. Complainants have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the LAC who will not unreasonably withhold consent.

The complainant must be allowed to attend the panel meeting and to be accompanied if they wish. The complainant must be given reasonable notice of the date of the panel meeting; however, the panel reserves the right to convene at their own convenience rather than that of the complainant. Where appropriate, a representative (or representatives) of the academy will be invited to attend the panel meeting. All parties will be given an opportunity to set out written or oral submissions, to give statements to the panel, and to present their evidence. Where appropriate, witnesses may be called to present evidence. The panel, the complainant and the academy representative(s) will be given the chance to ask and reply to questions.

Once the complainant and academy representative(s) have presented their cases, they (and/or any witnesses and/or persons who have accompanied the complainant) will be asked to leave and the panel will consider the evidence. The panel will agree its findings and recommendations from the case. The panel will provide a written copy of the findings and recommendations to the complainant and, where relevant, to the individual who is

the subject of the complaint. The Panel Chair will inform those involved of the decision in writing within 5 school days. A copy of the panels' findings and recommendations will also be made available on the academy premises for inspection by the Trust and Headteacher.

5.2.4. Complaints against LAC Governors

Where a complaint relates to a LAC Governor, the investigator at Stages 1 and 2 will be the Chair of the LAC. Where a complaint relates to a LAC Chair, the investigator at Stages 1 and 2 will be the Chair of the Trust Board. Correspondence to the Chair of the Trust Board should be sent via the Governance and Data Manager, Castle Trust, The Joiners' Shop, Historic Dockyard, Kent ME4 4TZ.

5.2.5. Referring complaints after completion of Stage 3

If a complainant is unsatisfied with the outcome of the academy's complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by the academy. The ESFA will not overturn an academy's decision about a complaint; rather, it will look into:

- Whether there was undue delay, or the academy did not comply with its own complaints procedure;
- Whether the academy was in breach of its funding agreement with the Secretary of State; and,
- Whether the academy has failed to comply with any other legal obligation.

If the academy did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the academy's complaints procedure is found to not meet regulations, the academy will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

5.3. Persistent Complaints

5.3.1. Where a complainant tries to re-open an issue with the academy after the complaints procedure has been fully exhausted and the academy has done everything it reasonably can in response to the original complaint, the LAC Chair (or other person acting on behalf of the academy) will inform the complainant that the matter is closed.

5.3.2. If the complainant subsequently contacts the academy again about the same issue, the academy can choose not to respond. Circumstance in which we will not respond include occasions when:

- The academy has taken every reasonable step to address the complainant's needs; and,
- The complainant has been given a clear statement of the academy's position and their options (if any); and,

- The complainant is contacting the academy repeatedly but making substantially the same points each time.

This list is not exhaustive.

5.3.3. The decision not to respond is most likely if:

- We have reason to believe the individual is contacting the academy with the intention of causing disruption or inconvenience; and/or
- The individual's letters/emails/telephone calls are often or always abusive or aggressive; and/or
- The individual makes insulting personal comments about, or threats towards, academy staff.

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint. The academy's Parent Engagement Policy will be enforced as necessary.

5.3.4. Once the academy has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email. The academy will ensure when making this decision that complainants making any new complaints are heard, and that the academy acts reasonably.

5.4. Record-keeping for Complaints

- 5.4.1. The LAC Clerk or other appropriate person will record the progress of complaints, and collate information about: actions taken at all stages; the stage at which the complaint was resolved; and, the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls. This material will be treated as confidential and will be viewed only by those involved in investigating the complaint or on the review panel. This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a academy inspection.
- 5.4.2. Records of complaints will be kept securely, only for as long as necessary, and in line with data protection law, our privacy notices and our records management policy/record retention schedule.
- 5.4.3. The LAC's Stakeholder Engagement Champion will check that appropriate record-keeping procedures are being followed in respect of complaints.

5.5. Evaluation and Reporting

- 5.5.1. Once a complaint has been fully investigated in line with the procedures set out above, the LAC should review any underlying issues raised in discussion with the Headteacher and/or other appropriate members of staff. In order to maintain confidentiality, no

identifiable details relating to the complaint, including the names of individuals involved, will be shared with the LAC.

- 5.5.2. The LAC will consider: whether there are any improvements that can be made to help prevent similar events in the future; whether the matter represents a significant risk to the Academy or to the Trust; and whether to report the matter to the Trust Board via the Chair.
- 5.5.3. LAC Clerks will report the number of complaints received to the Trust's Governance and Data Manager in order that this information can be centrally collated and reported to the Trust Board.
- 5.5.4. The Stakeholder Engagement Champion will evaluate the effectiveness of the complaints procedure in ensuring that complaints are handled properly.

6. Links to Other Policies

Policies dealing with other forms of complaints include:

- Child Protection PPP
- Admissions Arrangements
- Parental Engagement Policy
- Staff Grievance Procedures
- Staff Disciplinary Procedures
- SEN Policy and information report
- Privacy notices
- Prospectuses