



Castle Phoenix Trust

COMPLAINTS POLICY
Approved 22 March 2017

Introduction

Whilst **Castle Phoenix Trust ('the Trust')** recognises that, at times, things can and do go wrong, the staff, governors and directors believe that it is in everyone's best interest to resolve concerns and complaints at the earliest possible stage.

This policy applies to Castle Phoenix Trust which includes Hill Farm Primary School ('the school') and Caludon Castle School ('the school'), Foxford Community School ('the school') and Kingsbury School ('the school') seeks to outline how concerns can be resolved.

This policy meets the requirements of the Education (Independent School Standards (England) Regulations 2014) Schedule 1, Part 7.

The Trust will give careful consideration to all complaints and deal with them fairly and honestly. The Trust will provide sufficient opportunity for any complaint to be fully discussed and aim to resolve a complaint through open dialogue and mutual understanding.

Summary of Procedures

The following diagram outlines the key stages of our complaints procedure:

Stage One - An Informal discussion with relevant school



Stage Two - Complaint heard by the Chief Executive* ('Headteacher') / Headteacher



Stage Three – Complaint heard by an Independent Complaint Panel

Stage Two would only be initiated when informal attempts to resolve problems have been unsuccessful.

* For the purposes of this policy, in connection with resolving complaints, the Chief Executive of the Trust is referred to as headteacher.

Framework of Principles

The Trust Complaints Procedure will:

- Encourage resolution of problems by informal means wherever possible
- Be easily accessible and publicised
- Be simple to understand and use
- Be impartial
- Be non-adversarial
- Allow swift handling with established time-limits for action and keeping people informed of the progress
- Ensure a full and fair investigation by independent people, where necessary
- Be handled confidentially by all parties
- Provide information to the leadership teams of the schools so that provision and services can be improved.

Investigating Complaints

At each stage, the person dealing with the complaint should ensure that they:

- Establish what has happened so far, and who has been involved

- Clarify the nature of the complaint and what remains unresolved
- Meet with the complainant or contact them (if unsure or further information is necessary)
- Clarify what the complainant feels would put things right
- Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- Conduct the interview with an open mind

Resolving Complaints

At each stage in the procedure the school will consider ways to resolve a complaint. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- An apology
- An explanation
- An admission that the situation could have been handled differently or better
- An assurance that the event complained of will not recur
- An explanation of the steps that have been taken to ensure that it will not happen again
- An undertaking to review Trust policies in light of the complaint.

Managing and Recording Complaints

If your concerns are not resolved at Stage One, Stage Two will need to be initiated. To do this please complete our complaints form at Appendix A. The school can provide assistance with this if needed by someone unconnected with the complaint. This procedure does not apply to issues concerning the curriculum, collective worship, admissions, exclusion appeals, decisions about your child's special educational needs, child protection issues or grievances by school staff. These are the subject of separate complaints procedures. Copies of these procedures can be obtained from the school.

No stage of the complaints procedure can be recorded unless there is mutual agreement between all parties for recording to take place. Mobile phones will be switched off during all stages of the complaints procedure unless it is agreed by all parties that a phone should remain switched on.

Otherwise, this policy is intended to cover all complaints against the Trust regardless of whether it is related to parents or students attending the schools within the Trust.

Board of Directors

The Board of Directors will monitor the level and nature of complaints across the schools and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. The reports will not name individuals.

Stage One - An Informal Discussion

Our experience is that the vast majority of concerns and complaints can be resolved informally to the full satisfaction of those who raise them. There are many occasions where concerns can be resolved straight away, providing the complainant with the benefit of an immediate response, and avoiding the need to submit a formal complaint.

Concerns may be raised with any member of the relevant school's staff, depending on the type of issue to be discussed.

By their nature, we do not impose specific timescales for dealing with concerns at this stage, or monitor them formally, although all issues will be considered as quickly and effectively as possible.

If the person is dissatisfied with the discussion, they should be referred to Stage 2 below.

Where the first approach is made to a Governor, the next step must be to refer the complainant to the appropriate person and advise them about the procedure.

Governors must not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

Stage Two - Complaint heard by the Head teacher

If the complainant would like us to investigate their concerns further, our complaint form which can be found at Appendix A, should be completed and handed to the school's receptionist marked for the attention of the headteacher.

Following receipt of a complaints form, the headteacher will nominate a member of staff to be an investigating officer. The investigating officer will acknowledge the complaint in writing within 5 working days.

The investigating officer will speak to the necessary individuals; interview witnesses and/or take statements from those involved. This could take up to 10 working days. If the complaint centres on a student, the student will also be interviewed. If the concern is about a secondary school student's behaviour, parents will not be invited to attend however parents will be asked to attend to discuss any other concerns.

Written records of meetings, telephone conversations and other documentation will be kept.

Once the facts have been established the headteacher will arrange to meet the complainant to discuss the investigation. The complainant will also receive a letter which explains the outcome of the investigation. This meeting will be held and the letter will be received within 20 working days from the date the complaint form was handed into reception.

Following this meeting the complainant will be advised that, if they wish to take the complaint further, they should refer to Stage Three below.

If the complaint is against the chief executive/headteacher, Stage two will be carried out by the Chair of the Local Governing Body.

If the complaint is against a Governor, Stage two will be carried out by the Chair of the Local Governing Body from the other academy within our Trust.

Stage Three – Independent Complaints Panel

Complaints only rarely reach this formal level, where the complainant is not satisfied by the response. It is important that any complaint hearing is independent and impartial and, that it is seen to be so. We will ensure that all members of the panel will have had no prior involvement in the complaint. We will also ensure that at least one member of the panel will be independent of the management and running of the academy Trust.

The aim of a panel hearing is to resolve the complaint and achieve reconciliation between the Trust and the complainant.

If you would like to request a panel hearing, please write to the Chair of the Local Governing Body at the school, explaining why you are not happy. This will need to be within 20 working days of receiving the outcome letter at stage two. Anything received after the 20th day will be referred back to Stage One of this process. The Trust would not hear the same complaint at stage three more than once.

The Chair will normally set up a hearing within 15 working days of receiving the letter and inform the complainant of this, in writing. All parties will be given five working days' notice of a hearing.

The clerk to the panel will circulate a copy of the bundle of documents to be considered by the panel to all parties at least 3 working days prior to the hearing.

As mentioned earlier, the people hearing the complaint will have had **no** prior involvement with the complaint and one person will be independent of the management and running, of the academy Trust.

The complainant may be accompanied to the hearing by a friend, relative or representative.

The headteacher will be invited to the hearing.

All those present at the hearing shall have the opportunity to ask questions and make comments in an appropriate manner. The hearing is not a legal proceeding and the panel shall be under no obligation to hear oral evidence from witnesses but may do so and / or may take written statements into account.

All statements made at the hearing will be unsworn. All present will be entitled, should they wish, to write their own notes for references purposes. A clerk appointed by the panel will take notes of the proceedings.

All those attending the hearing are expected to show courtesy, restraint and good manners or, after due warning, the hearing may be adjourned or terminated at the discretion of the chair. If terminated, the original decision shall stand. Any person who is dissatisfied with any aspect of the way the hearing is conducted must say so before the proceedings go any further and his / her comment will be noted.

The chair may, at his / her discretion, adjourn the hearing for further investigation of any relevant issue. This may include an adjournment to take legal advice.

A hearing before the complaints panel is a private proceeding. No notes or other records or oral statements about any matter discussed in, or arising from, the proceeding shall be made available directly or indirectly to the press or other media.

The hearing will allow for:

- The complainant to explain their complaint and for the headteacher to explain the school's response
- The complainant and the headteacher to question each other and for members of the hearing panel to also ask questions
- Any party to have the right to call witnesses (subject to the approval of the Chair) and all parties having the right to question all the witnesses.
- Final statements by both the complainant and the headteacher.

Following the hearing, the complaint panel will consider the complaint and will send their written decision to both parties within 15 working days. The panel will reach a decision on a balance of probabilities unless there is an agreed position.

The decisions, findings and any recommendations will also be made available for inspection on the Trust premises by the local governing body, directors and the head.

This represents the conclusion of the Trust's complaints procedures.

If the complaint is against the chief executive/headteacher, stage two will have been carried out by the Chair of the Local Governing Body. Stage three will be carried out by an independent complaints panel as above, ensuring no prior involvement of any panel member.

If the complaint is against a Governor, Stage two will have been carried out the Chair of the Local Governing Body from the other academy within our Trust. Stage three will be carried out by an independent complaints panel as above, ensuring no prior involvement of any panel member.

Managing serial and unreasonable complaints.

The Trust follows the policy in appendix B to manage serial and unreasonable complaints.

What happens if you are still unhappy with the outcome?

The Education and Skills Funding Agency (ESFA) is responsible for open academies on behalf of the Secretary of State.

We hope that we will be able to resolve your concerns through the processes outlined in this policy however the ESFA can investigate if your reasons fall into any of the following conditions:-

- 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.

The ESFA are not able to overturn an academy's decision about a complaint.

If the ESFA uphold a complaint they 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.

The ESFA's contact details are as follows

Email: academy.questions@education.gov.uk
Address Academies Central Unit (Academy Complaints)
Education and Skills Funding Agency
Earlsdon Park
53 – 55 Butts Road
COVENTRY CV1 3BH
Telephone 0370 000 2288 (ask for the ESFA Academies Central Unit)

For more information and the School Complaint form, please see click this link:

<http://www.education.gov.uk/aboutdfe/complaintsprocedure/b00212240/making-complaint-school>

Complaint Form – Stage Two

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Please complete the form below and return it to the receptionist at your school marked for the attention of the headteacher.

Your name
Student's name
Your relationship to student?
Address
Post Code
Email Address
Contact Telephone Number
Please tell us: When you would like us to contact you? During the school day Between 5pm and 7pm Anytime
Please tell us: How you would like us to contact you? In person By telephone By email
Please give details of your complaint:

What action, if any, have you taken to try and resolve your complaint? (Who did you speak to and what was their response?)

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

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

For Trust use only

Date handed to reception _____

Name of School _____

Investigating Officer _____

Date of acknowledgement _____

Investigation report handed to headteacher on _____

Meeting with complainant arranged for _____

Outcome of investigation:

Appendix B

Policy for managing serial and unreasonable complaints

Castle Phoenix Trust and all its schools are committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with our school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Castle Phoenix Trust defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school or the Trust, such as, if 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 co-operate with the complaints investigation process
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- 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 complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the 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 headteacher, chief executive or chair of governors/board of Trustees will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the headteacher of the relevant school or the CEO of the Trust will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. Where complainants excessively contact the Trust or any school in the Trust causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from any school within the Trust.