



CASTLEMAN ACADEMY TRUST

POLICY :

Castleman Trust Complaints

Author: **Chief Executive Officer**

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Please note that this policy is one of the suite of CAT Policies for School Standards Boards to acknowledge.

CASTLEMAN ACADEMY TRUST

Complaints Policy

This policy is a detailed explanation of the Complaints procedure for the Castleman Academy Trust. A summary leaflet is also available to support understanding of the process.

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Our policies refer to Senior Leaders. This can mean the Executive Headteacher, Headteacher or Head of School, or any staff member who may be nominated by the Complaints Co-ordinator.

All Academies in England are required, under Section 29 of the [Education Act 2002](#) to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. The law also requires the procedure to be publicised.

The Secretary of State has direction making powers under sections [496 and 497 of the Education Act 1996](#) and although they are not under a duty to intervene in every case that is brought to their attention, they must always consider whether, in light of the information provided to them by a complainant, they should exercise their powers.

This document sets out the school's procedure for addressing formal complaints.

What is a complaint?

A complaint may be generally defined as 'an expression of dissatisfaction or disquiet which requires a response'.

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

We welcome parents' suggestions for improving our work in the school and can reassure parents that irrespective of the matter raised, this will not affect our support and respect for them and their child.

1. Policy Statement

1.1 Aim

- 1.1.1 The aim of this policy is to ensure that any complaint, including a complaint against a member of staff, is handled by the Castleman Academy Trust (the Trust) and their member schools, sympathetically, efficiently and at the appropriate level, and resolved as soon as possible. Doing so is:

- Good for relationships.
 - Good education practice.
 - Good business practice.
- 1.1.2 The Trust and their member schools need to know as soon as possible if there is any cause for dissatisfaction. Parents (and staff) should never feel – or be made to feel – that a complaint, made in a reasonable and appropriate way, will be taken amiss or reflect adversely on the student in any way.
- We will always try to resolve every complaint in a positive and proactive manner. We see complaints as an opportunity to put right anything that might have gone wrong in our schools and review our systems, procedures and protocols with regard to the matter raised.
- 1.1.3 We understand that complaints need to be resolved quickly and fairly in order not to destabilise relationships and ethos.

1.2 Who this policy applies to

- 1.2.1 Parents of students at any school with the Trust. This policy will be published on the Trust's Website and on the website of each school in the Trust. Copies can be made available from each school upon request.
- 1.2.2 This policy also applies to staff within schools in our Trust.

2. Procedures

- 2.1 The Trust is clear about the difference between a concern and a complaint. It would always strive to ensure that concerns are addressed to the satisfaction of those involved as quickly and as effectively as possible. In this way, the numbers of complaints will be minimal.

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*'.

- 2.2 Most concerns are best dealt with informally. If you have any concerns about the school or the education provided, please discuss the matter with your child's class teacher at the earliest opportunity to prevent matters escalating to the formal procedure.

He or she may involve other members of the Senior Leadership Team (SLT), if appropriate. This is usually the best and quickest way of resolving issues. Castleman Academy Trust Schools take informal concerns seriously and will make every effort to resolve matters at the earliest stage possible.

The purpose of this discussion should be to establish the issues and to seek a realistic resolution if possible.

A formal procedure may be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

2.3 Who can make a Complaint?

Any person may make a complaint to the school if the school is directly responsible for the issue being complained about. It is not limited to parents with children registered at the school and the school cannot refuse to deal with a complaint once the child has been removed from the school register.

2.4 Anonymous Complaints:

We will not normally investigate anonymous complaints. However, the Complaints Co-ordinator, in conjunction with the Headteacher and Chair of Governors, will determine whether the gravity of an anonymous complaint warrants its investigation.

2.5 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 would encourage complainants not to wait that long. We are committed to resolving issues as quickly as possible to ensure good working relationships and that issues are rectified as quickly as possible.

2.6 Complaints received out of Term Time:

Complaints made outside of term time will be deemed to have been received on the first school day after the holiday period.

2.7 Principles of the Procedure:

An effective complaints procedure shall:

- Not exclude any group with protected characteristics from making a complaint.
- 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 an independent person where necessary;
- Respect people's desire for confidentiality;
- Address all the points at issue and provide an effective response and appropriate redress, where necessary.
- Provide information to the school's senior management team so that services can be improved (i.e. learning from feedback).
- Have due regard to the principles of the Equality Act 2010 and how they impact upon schools, parents, carers and children/young people.

2.8 Resolving Complaints

At each stage in the procedure the Trust will keep in mind ways in which a complaint can be resolved. 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 explanation of what steps have been taken to ensure that the situation will not recur.
- And undertaking to review policy in light of the complaint.

It is useful if complainants are able to state what actions they feel might resolve the problem at any stage. An admission that the situation could have been handled “better” is not an admission of negligence.

2.9 **Withdrawal of Complaints**

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

2.10 **Scope of this Complaint Procedure:**

This procedure covers all complaints with the exceptions listed below, for which there are separate (statutory) procedures:

- admissions to schools;
- exclusion of children/young people from school;
- statutory assessments of special education needs;
- school re-organisation proposals subject to statutory procedures;
- matters likely to require a Child Protection Investigation;
- whistle-blowing;
- staff grievances and disciplinary procedures;
- complaints relating to the SEN and Disability provision (dealt with under the SEND policy);
- complaints about the school governors should be addressed to the Head Teacher.
- complaints about services provided by other providers, such as contractors and other Council service units.

Complaints that have already been investigated cannot be considered again.

2.11 **Concurrent Considerations:**

Legal, safeguarding or disciplinary proceedings may take precedence over complaints procedures and timescales.

If there is a risk that dealing with a complaint might prejudice a concurrent consideration, the complaints procedure will be suspended until the concurrent consideration is concluded. The Complaints Co-ordinator will write to the Complainant explaining the reason for the decision and the nature of the concurrent consideration. Once the concurrent consideration is concluded, the complaint can be investigated as appropriate.

2.2 **Stage 1 – Initial or Minor Concerns and School Level Complaints**

In many cases, a concern can be resolved quickly and will not become a formal complaint. In most cases, an individual member of school staff will resolve issues “on the spot”, including an apology where required and appropriate. Parents should approach the class teacher or tutor of their child in the first instance when raising a concern.

If the issue remains unresolved, the matter should now be taken to the Headteacher/Head of School of the individual school. The Headteacher/Head of School (*or designated member of staff, ordinarily a member of the SLT should there be a conflict of interests or not been involved in the

complaint to date) of each school within the Trust is usually the Complaints Co-ordinator for their school, although this responsibility may be delegated to a senior member of staff if appropriate.

2.3 Stage 2 – Complaint heard by Headteacher (Formal Complaint)

The Headteacher* (*or designated member of staff, ordinarily a member of the SLT should there be a conflict of interests or not been involved in the complaint to date) will investigate the complaint and respond to the Complainant within 10 school days of the date of receipt of the complaint. The Headteacher* will advise the complainant to contact the Chair of Governors if they should wish to escalate their complaint to Stage 3. The request to escalate a complaint must be made within 10 school days of receiving the Headteacher's response.

Formal complaints should be normally made to the school's Complaints Co-ordinator (normally the school's Headteacher*). A complaint can be made in person, in writing or by email to the school office.

In your complaint you should make clear, the following information (please feel free to use the Complaint Form in Appendix 6)

- a. Your name
- b. The child/young person's name
- c. Your relationship to the child/young person
- d. Your address, daytime telephone number, evening telephone number and email address.
- e. Concise details of your complaint, what you think the School did wrong or did not do. Please include dates, names of witnesses and any other information you feel may be helpful.
- f. What action, if any, you have taken, to resolve your complaint (who have you spoken or written to, and what was the outcome?).
- g. What you think the School could do to resolve matters at this stage.
- h. List any paperwork you are attaching, indicating if you need it returned to you.

A formal complaint in writing will be acknowledged by telephone on the date of receipt if practicable or in writing within three working days or as soon as possible during school holidays. A letter of acknowledgement will state the action being taken and the likely time scale.

We would hope that complaints are resolved at this stage. If the matter is not resolved within 10 working days (possibly longer in the case of school holidays occurring), or the parent or staff member is not satisfied with the result, they may proceed to Stage 3 of this procedure (see below).

If staff have concerns about other staff or practice within the school, they should raise these with an appropriate member of the SLT (i.e. their Headteacher/Executive Headteacher/Head of School, Head of Year, Phase Leader or Assistant Head) in the first instance.

If the concern regards the Head of Year, Phase Leader or Assistant Head, they should approach the Headteacher/Executive Headteacher/Head of School.

If the concern regards the Headteacher/Executive Headteacher/Head of School, they should approach the Chief Executive Officer.

Concerns about the Trust Central Team should be raised with the Chief Executive Officer.

Concerns about the Chief Executive Officer should be raised with the Chair of the Trust Board.

2.4 Stage 3 – Complaint heard by Complaints Panel of School Standards Board

If the Complainant remains dissatisfied, they must contact the Chair of Governors** (or Vice Chair of Governors in the event of a conflict of interest or a designated representative from the SSB who has not been involved in the complaint to date) within 10 school days of receiving the Stage 2 response, providing the reason[s] why they are still dissatisfied. This contact should be in writing, or by email, to the Clerk to Governors. Complaints must have been considered at Stage 2 before proceeding to panel.

The Clerk to the Governors will acknowledge the request in writing within 3 school days and inform the Complainant of the right to submit any further documents or information relevant to the complaint. The panel will not consider new complaints. The deadline for submission of these documents will be 5 school days before the hearing.

The school will submit the Stage 1, 2 and 3 responses (as appropriate), together with any further written response from the Headteacher, as appropriate. The Headteacher may also invite members of staff directly involved in matters raised by the Complainant to respond personally or in writing.

The Clerk to the Governors must convene the complaints committee elected from the Schools Standards Board. The committee will comprise three governors who have had no previous involvement with the complaint. The complaint will not be heard by the entire School Standards Board. The panel will include one panel member who is independent of the management and running of the school.

The Complaints Panel will nominate a Chair and set a timetable for the hearing and will notify the Complainant of this.

The Clerk 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 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk 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.

The aim of the panel will be to resolve the complaint and achieve reconciliation between the school and the Complainant, if this is possible.

At least 7 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least <insert number> school days before the meeting.

Any written material will be circulated to all parties at least 7 school days before the date of the

meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The hearing will be held in private. Any witnesses (other than the Complainant and the Headteacher) should only attend for the part of the hearing in which they give their evidence. Good practice would dictate that at no point should the Headteacher or the parent/carer be left with the Complaints Panel without the other being present.

Once the panel are satisfied that they have heard all the information they need to make a decision, the Chair of the Panel will explain to the Complainant and the Headteacher that the committee will consider its decision and respond in writing, within 15 school days. The Complainant and the Headteacher will then leave the hearing. The panel will then consider the complaint and all the evidence presented. The panel can:

- uphold the complaint, in whole or in part;
- dismiss the complaint, in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- where appropriate, recommend changes to the school's systems or procedures to prevent similar difficulties arising in the future.

A written response detailing the decisions, recommendations and the basis on which these have been made, will be sent to the Complainant within 15 school days. The Complainant must be notified of the right to refer their concerns to the Castleman Academy Trust if they are dissatisfied with the way their complaint has been dealt with.

2.5 Stage 4 - Complaint heard by Panel of the Trust Board

- 2.5.1 The Complaints Co-ordinator for the Trust is the Chief Executive Officer, who is responsible for the operation and management of the Trust complaints procedure. If the subject of the complaint is the Chief Executive Officer, the Chair or Vice Chair of the Trust Board will act as Complaints Co-ordinator.
- 2.5.2 If the complainant remains dissatisfied with the outcome of their complaint at the school level, or wishes to escalate the complaint, they should write to the Chief Executive Officer giving full details of the complaint, enclosing all relevant supporting information and documentation within 10 working days of the receipt of the decision under Stage 3. A request for a panel hearing will usually only be considered if the complainant has invoked Stages 1, 2 and 3.
- 2.5.3 The Chief Executive Officer will, once in receipt of the complaint, schedule a hearing to take place as soon as is practical and normally within 15 working days or as soon as reasonably practical during school holidays. They will arrange for a Panel of Trustees to be convened to consider the matter at the hearing. At this stage the CEO will also undertake an investigation of the complaint so far and provide a summary and recommendations regarding the complaint for consideration of the panel.
- 2.5.4 The Chief Executive Officer will convene a panel of the Trust Board consisting of at least three people who have not been involved in previous consideration of the complaint. At least one of the members of the panel must be independent of the management and running of the Trust. The Castleman Academy Trust has identified independent local community members who may be called upon to sit on a complaints panel and who do not have any dealings with the Trust on a day to day or strategic level. Each of the Panel members shall be appointed by the Chair or nominated trustee.

- 2.5.5 The Chief Executive Officer will provide the Panel with the documents, evidence and their findings for them to consider at the hearing. Complainants may be accompanied to the hearing if they wish. This may be a relative, teacher or friend. Legal or Union representation will not normally be necessary.
- 2.5.6 The aim of the hearing is for the Panel to review the decision reached at Stage 3 and ensure the policy was followed. The Panel will not consider any new complaints that have not been raised as part of the initial complaint. After due consideration of all facts the Panel considers relevant, the Panel will reach a decision on the balance of probabilities as to whether or not the complaint is made out. The Panel can:
- Decide on the appropriate action to be taken to resolve the complaint, if not already undertaken.
 - Recommend changes to systems or procedures to ensure that problems of a similar nature do not occur.
- 2.5.7 It is recognised that the complainant may not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which satisfy the complainant that his or her complaint has been taken seriously.
- 2.5.8 The Chief Executive Officer will write to the complainant informing them of the Panel's decision and the reasons for it, normally within 10 working days. The decision of the Panel will be final. The Panel's findings and, if any, recommendations will be sent by electronic mail or otherwise confirmed in writing to the complainant, the relevant SSB, the Trust Board and, where relevant, the person complained of. The Panel's decisions, findings and any recommendations will also be made available for inspection on the Trust's premises.
- 2.5.9 Should the complainant feel that the Trust's complaints procedure is not compliant with statutory guidelines, the Complainant will be notified of the right to refer their concerns to the Department for Education if they are dissatisfied with the way their complaint has been dealt with.

If the complainant feels that the school is not following the terms of its funding agreement, they should complain to the Education and Skills Funding Agency (ESFA). Information about this can be found at <https://www.gov.uk/complain-about-school>

2.6 Complaints about the Trust, CEO or Trustee

If a complainant wishes to complain directly about the Castleman Academy Trust, then the complaint should be sent to the CEO to be investigated.

The CEO will write to the complainant acknowledging the complaint within 3 **school days** of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated under Stage 2 of this Complaints Policy and will confirm the date for providing a response to the complainant.

Following the investigation, the CEO will write to the complainant confirming the outcome within 10 **school days** of the date that the letter was received. If this time limit cannot be met, the CEO

will write to the Complainant within 5 **school days** of the date that the letter was received, explaining the reason for the delay and providing a revised date.

If the complaint concerns the CEO or a Trustee, the complaint should be investigated by the Chair of the Trust Board. If a formal complaint form is received about the Chair, the complaint will be referred to the Vice Chair for investigation

NB. Where the Chair of the Trust Board has investigated the complaint, they will write the letter of outcome to the Complainant and provide a copy to the CEO.

If the complainant is not satisfied with the outcome of the previous stage, the complainant should write to the Clerk to the Trust Board asking for the complaint to be heard before a Complaint Panel, within 15 school days.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 school days of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk 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.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire trust board or
- the majority of the trust board

Stage 3 will be heard by a completely independent committee panel.

The Complaint Panel will consist of three members. None of the three members of the Complaint Panel will have been involved in the incidents or events which led to the complaint, or have been involved in dealing with the complaint in the previous stages, or have any detailed prior knowledge of the complaint.

One of the Complaint Panel members will be independent of the management and running of the Academy Trust. This means that the independent Complaint Panel member will not be a Trustee or an employee of the Trust.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a trust employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend. Recording of the meeting can only take place if all parties agree to this.

At least 7 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least 7 school days before the meeting.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and the Castleman Academy Trust with a full explanation of their decision and the reason(s) for it, in writing, within [7](#) school days.

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 Castleman Academy Trust.

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 Castleman Academy Trust will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about.

Furthermore, they will be available for inspection on the school premises by the proprietor and the head teacher.

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.

3. Early Years Foundation Stage

3.1 In respect of children within the Early Years Foundation Stage of the Trust's schools:

- Records of complaints will be kept for at least three years; and
- Parents may make a complaint to OfSTED: Piccadilly Gate, Store Street, Manchester M1 2WD; general helpline 0300 123 1231; textphone number 0161 618 8524 and/or ISI (on 020 7600 0100) if they wish.

3.2 The School will provide OfSTED, upon request, with a written record of all complaints made during any specified period and the action taken and conclusion reached.

4. Vexatious Complaints

4.1 What is a Vexatious Complaint?

4.1.1 In exceptional circumstances - for example, in the case of repetitive complaints raising the same issue, or cases motivated by ill will - complaints may be treated as vexatious.

4.1.2 The term vexatious is recognised in law and means '*denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant*'.

4.1.3 Complainants (and/or anyone acting on their behalf) may be deemed to be vexatious where previous or current contact with them shows that they meet two or more of the following criteria:

- Persist in pursuing a complaint where the Complaints Procedure has been fully and properly implemented and exhausted;
- Persistently change the substance of a complaint or continually raise new issues or seek to prolong contact raising further concerns or questions upon receipt of a response whilst the complaint is being addressed. **Care must be taken, however, not to disregard new issues which are so**

significantly different from the original complaint as they need to be addressed as separate complaints;

- Are repeatedly unwilling to accept documented evidence given as being factual or deny receipt of an adequate response in spite of correspondence specifically answering their questions or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed;
- Repeatedly do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts from the school to help them specify their concerns, and/or where the concerns identified are not within the remit of the school to investigate;
- Regularly focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognised that determining what a trivial matter is can be subjective, and careful judgement will be used in applying the criteria;
- Have threatened or used physical violence towards staff at any time – this will, in itself, cause personal contact with the complainant and/or their representatives to be discontinued and the complaint will, thereafter, only be continued through written communication. All such incidences will be documented;
- Have, in the course of addressing a registered complaint, had an excessive number of contacts with the school – placing unreasonable demands on staff. For the purposes of determining an excessive number, a contact may be in person, by telephone, letter, email or fax. Discretion will be in determining the precise number of excessive contacts applicable under this section, using judgement based on the specific circumstances of each individual case;
- Have harassed or been personally abusive or verbally aggressive on more than one occasion towards staff dealing with the complaint. Staff recognise, however, that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. They will document all instances of harassment, abusive or verbally aggressive behaviour;
- Are known to have recorded meetings or face-to-face/telephone conversations without the prior knowledge and consent of other parties involved;
- Make unreasonable demands on the complainant/complainant relationships and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the school Complaints Procedure or normal recognised practice;
- Have often threatened legal action or “going to the press”. In these situations close co-ordination and regular strategy meetings are vital, involving support from Trust legal representatives.

4.2 Dealing with Vexatious Complaints

- 4.2.1 Before deciding to categorise a complainant as vexatious, the relevant Headteacher should be satisfied that:
- the complaint is being or has been investigated properly
 - any decision reached on it, is the right one
- 4.2.2 If the Headteacher is satisfied on these points they should consider whether any further action is necessary before deciding to designate a complainant as vexatious.
- 4.2.3 Examples of further action might be

- If no meeting has taken place between the complainant and a member of staff, and provided that the school knows nothing about the complainant which would make this unadvisable, consider offering the complainant a meeting with a member of staff of the appropriate seniority. Sometimes such meetings can dispel misunderstandings and move matters towards a resolution;
- If more than one member of staff is being contacted by a Complainant, consideration should be given to setting up a strategy meeting to agree a joint approach; and designating a key officer to coordinate the school's response(s);
- If the complainant has special needs, an advocate might be helpful to both parties; consideration should be given to offering to help the complainant find an advocate who is clearly independent of the school.

4.2.4 When complaints have been identified as vexatious in accordance with the criteria set out in Section 4.1 above, the relevant Headteacher will determine what action to take in consultation with the Chair of Governors.

4.2.5 If sanctions are applied, the complainant will be advised by the Chair of Governors, or the Headteacher, in writing, of the reasons why their complaint has been classified as vexatious and the action that will be taken.

4.2.6 A record will be kept for future reference of the reasons why a complaint has been classified as vexatious.

4.2.7 A Chair of Governors or Headteacher may decide to deal with vexatious complaints in one or more of the following ways:

- a. In a letter, setting out a code of commitment and responsibilities for the parties involved if the school is to continue processing the complaint. If the terms are contravened, consideration will then be given to implementing other actions as indicated below:
 - Placing time limits on telephone conversations and personal contacts;
 - Restricting the number of telephone calls that will be taken (for example, one call on one specified morning/afternoon of any week);
 - Limiting the complainant to one medium of contact (telephone, letter, e-mail etc.);
 - Requiring the complainant to communicate only with a named employee;
 - If a complainant is currently going through the school Complaints Procedure, asking the complainant to enter into a written agreement about their future conduct if the complaint is to be progressed;
 - Requiring any personal contacts to take place in the presence of a witness;
 - Banning a complainant from some or all of the school's premises;
 - Involving the police in cases where we believe that the complainant has committed a criminal offence (for example, harassment, assault on staff or criminal damage), where assault is threatened, or where the complainant refuses repeated requests to leave school premises.
- b. Notify the complainant, in writing, that the school has responded fully to the points raised and has tried to resolve the complaint but that there is nothing more to add and continuing to contact on the matter will serve no useful purpose.

The complainant will also be notified that the correspondence is at an end, advising the complainant that they are being treated as a vexatious complainant and as such, the school does not intend to engage in further correspondence dealing with the complaint.

- c. Inform the complainant that in extreme circumstances the school reserves the right to seek legal advice on vexatious complaints.
- 4.2.8 If at any time during the complaint procedure it becomes evident that the complainant will remain dissatisfied with the school's response and, in the opinion of the Headteacher and Chair of Governors, nothing is to be gained by continual investigation or re-investigation of the complaint, then the complainant should be advised:

- to take their complaint to the Trust Board
- to seek independent legal advice if they think they may be able to seek a remedy through the courts;
- that there is no merit in taking the investigation of their complaint forward and that the matter is closed. No further correspondence will be entered into unless a fresh complaint that is not related to one that has been through the procedure (or could not have been raised with the original complaint) is raised.

4.3 Reviews & Appeals

- 4.3.1 The decision to enforce restrictions will be reviewed no later than six months from the date upon which it became effective.
- 4.3.2 If restrictions imposed upon a person previously categorised as vexatious are cancelled, urgent consideration should be given to re-introducing the restrictions if the behaviour which led to the original decision recommences.
- 4.3.3 A complainant can appeal a decision to restrict contact. A senior member of staff or governor who was not involved in the original decision may consider the appeal. They will advise the complainant in writing that either the restricted contact arrangements still apply or a different course of action has been agreed.
- 4.3.4 If the complainant is unhappy with this decision, they can appeal to the Trust Board.

5. Managing, Recording and Monitoring Complaints

- 5.1 The Trust and its schools will keep a written record of all complaints (including whether resolved at the preliminary stage or proceeded to the panel hearing), the date on which they were received and their final outcome. Written records will be kept for at least three years. Brief notes of the meetings and telephone calls should be kept and a copy of any written response added to the record.
- 5.2 The Complaints Co-Ordinator will ensure that a staff member who is the subject of a complaint is informed as soon as possible and will record all details of the complaint including:
- date of receipt;
 - action taken;
 - summary of complaint;
 - brief notes of meetings and telephone calls about the progress of the complaint;
 - notes/minutes of any meetings;
 - final outcome;
 - learning points from complaint.

5.3 The Complaints Co-ordinator is responsible for records and their safe storage. All correspondence, and statements and records of complaint must be kept confidential but must be shown to HMI when requested.

5.4 The School Standards Board of a Trust School and the Trust Board should monitor the level and nature of the complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure.

6. Publicising the Procedure

6.1 There is a legal requirement for the Complaints Procedure to be published.

6.2 Details of the Trust's complaints procedure can be found as follows:

- trust school websites
- on request, from trust school offices
- the Castleman Academy Trust website

7. Equality Impact Assessment

This policy has been reviewed with the equality impact considerations as laid down in the trust's Equality Policy.

Appendix 1 – Useful Addresses

Department for Education
2nd Floor
Piccadilly Gate
Store Street
Manchester M1 2WD

Tel: 03700002288

www.education.gov.uk

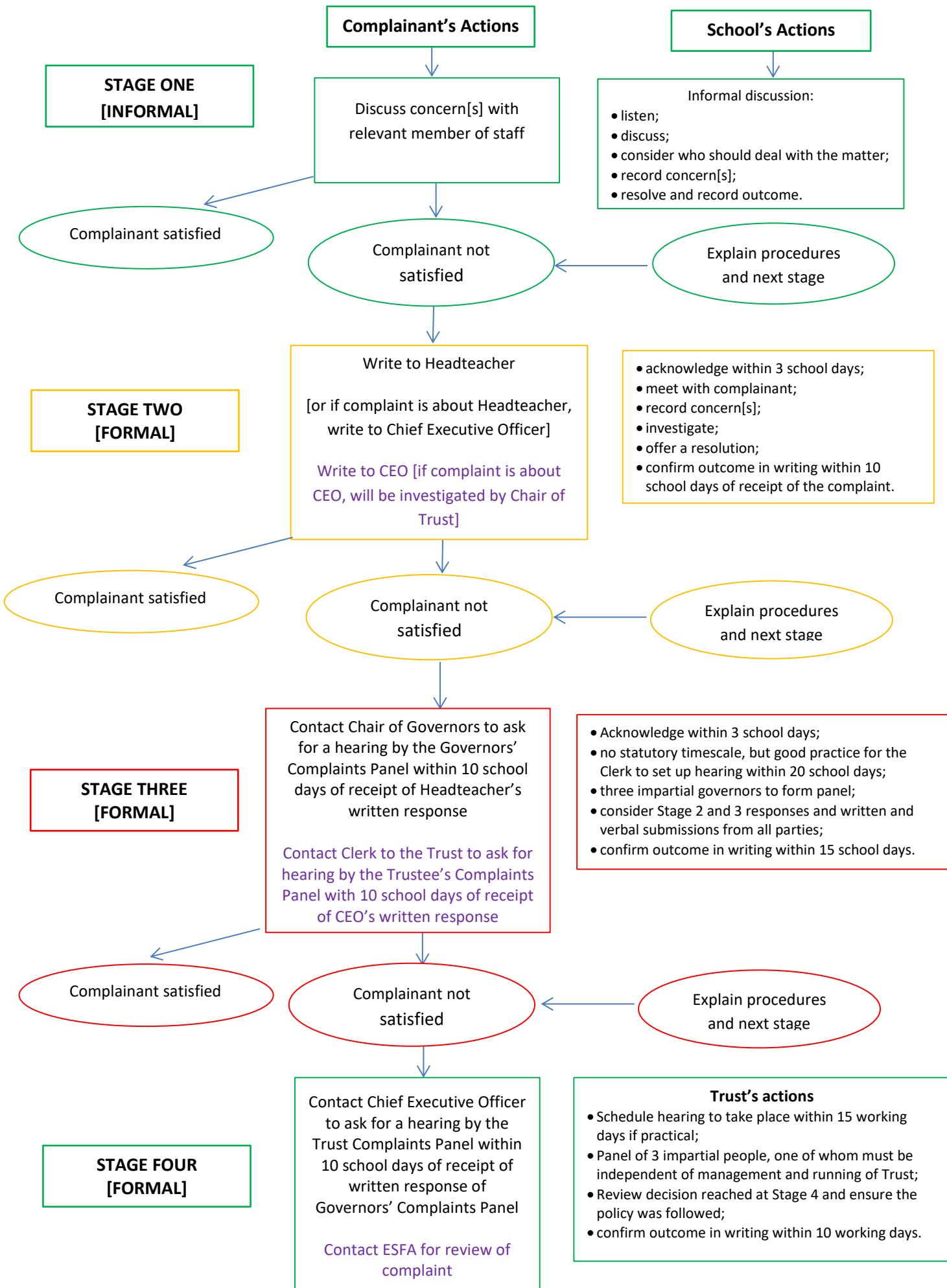
Castleman Academy Trust
Complaints Co-ordinator
c/o The Junction
Broadstone Middle School
Broadstone
DORSET, BH18 8AE

Tel: 01202 830040

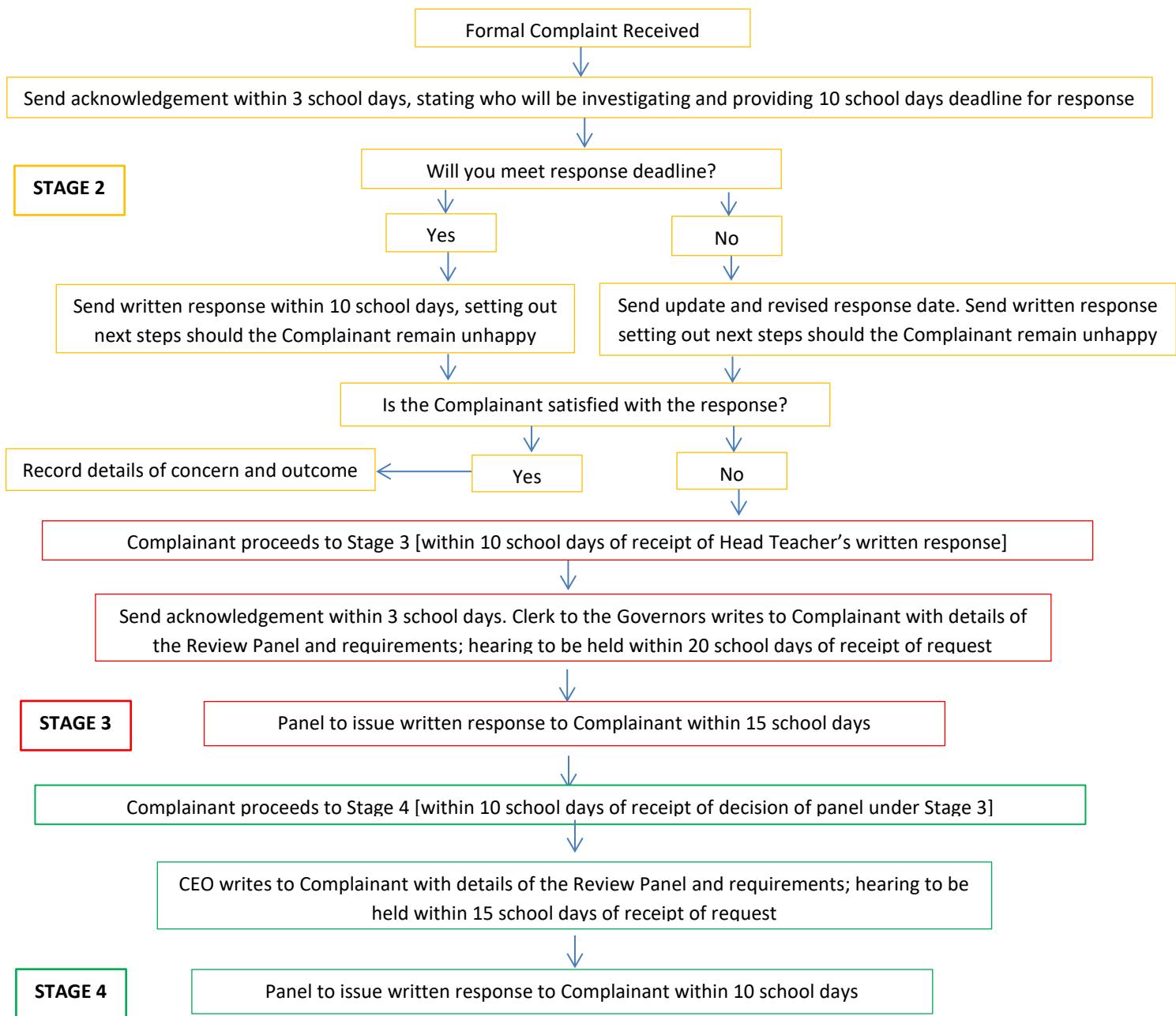
Email: rmoore@castlemanacademytrust.co.uk

APPENDIX 2: FLOW CHART ILLUSTRATING STAGED APPROACH TO HANDLING SCHOOL COMPLAINTS

Note: complaints about the Trust, CEO or a Trustee are in purple text



APPENDIX 3: TIMESCALES FOR HANDLING FORMAL COMPLAINTS (that is, where complaints cannot be resolved at informal stage 1)



Appendix 4 - Roles and Responsibilities:

The Complainant:



The Complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:

- co-operates with the school in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or to agree the details of the complaint;
- asks the Complaints Co-ordinator for assistance as needed;
- respects the confidentiality of the complaint;
- treats all those involved in the complaint with respect.

The Complaints Co-ordinator:

The Complaints Co-ordinator will:

- ensure that all people involved in the complaint procedure are aware of the legislation around complaints, including the Equality Act 2010, Data Protection Act and Freedom of Information Act;
- liaise with the Staff Member, Headteacher, Chair of Governors and Panel Clerk to ensure the smooth running of the complaints procedure;
- keep records;
- be aware of issues regarding:
 - sharing third party information;
 - additional support - this may be needed by complainants when making a complaint, including interpretation support;
 - safeguarding
- ensure that the Complainant is fully updated at each stage of the procedure and be mindful that sometimes letters regarding the progress of the complaint may also need to be translated.

The Investigator:

The Investigator is the person involved in Stages 1 or 2 of the procedure. The investigator's role is to provide a comprehensive, open, transparent and fair consideration of the complaint through: sensitive and thorough interviewing of the Complainant;

- consideration of records and other relevant information;
- interviewing staff and children/young people and other people relevant to the complaint;
- analysing information;
- effectively liaising with the Complainant and the Complaints Co-ordinator as appropriate;
- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond to the Complainant in plain and clear language.

The Panel Clerk (this could be Clerk to the Governors):

The Clerk is the contact point for the Complainant for the School Standards Board panel meeting and is required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision;
- liaise with the Complaints Co-ordinator.

The Panel Chair:

The Panel Chair has a key role in ensuring that:

- the meeting is minuted;
- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents/carers and others who may not be used to speaking at such a hearing are put at ease.
This is particularly important if the Complainant is a child/young person;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial;
- the panel is open-minded and acts independently;
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on;
- they liaise with the Panel Clerk and Complaints Co-Ordinator.

Panel Member:

Panellists should be aware that:

- It is important that the review panel hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.

- The aim of the hearing, which needs to be held in private, will always be to:
 - Resolve the complaint and achieve reconciliation between the school and the Complainant. However, it has to be recognised the Complainant might not be satisfied with the outcome if the hearing does not find in their favour.
 - It may only be possible to establish the facts and make recommendations which will satisfy the Complainant that his or her complaint has been taken seriously.
 - An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents/carers often feel emotional when discussing an issue that affects their child or young person. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- Extra care needs to be taken when the Complainant is a child/young person:
 - Careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated. The panel needs to be aware of the views of the child/young person and give them equal consideration to those of adults.
 - Where the child/young person's parent/carer is the Complainant, it would be helpful to give the parent/carer the opportunity to say which parts of the hearing, if any, the child/young person needs to attend.

NB. Governors sitting on the panel need to be aware of the complaints procedure.

Appendix 5 - Checklists

Investigation Checklist:

The person investigating at each stage of the complaint will need to:

- 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 - see "Meeting with the Complainant" below;
- establish the outcomes that the Complainant is seeking and whether these are achievable through the complaints process;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct interviews with an open mind and be prepared to persist in the questioning;
- keep notes of interviews.

Meeting with Complainant:

The investigator will need to:

- arrange for a note taker not involved in the investigation to be present, if appropriate;
- allow the Complainant to explain how they feel and express any strong emotions [without being threatening or disrespectful] - they should feel as if their complaint has been taken seriously;
- clarify the complaint and all its individual parts and produce a written record;
- ask what the Complainant is seeking regarding solution or outcomes;
- check whether the Complainant needs support of any kind, in order to understand the discussion properly;
- determine whether they need support during the process [i.e. an advocate or any accessibility needs such as signer, hearing loop, etc];
- read the background to the complaint and the relevant legal and administrative policies and procedures;
- consider whether the complaint could be resolved without further investigation;
- assess whether the complaints procedure is the most appropriate way of handling this complaint.

Interviewing:

Children/young people:

- Children/young people will be interviewed in the presence of another member of staff, or in the case of serious complaints (e.g. where the possibility of criminal investigation exists) in the presence of their parents/carers.
- Care should be taken in these circumstances not to create an intimidating atmosphere.
- Children/young people will be told what the interview is about and that they can have someone with them.

Staff:

- Explain the complaint and your role clearly to the interviewee and confirm that they understand the complaints procedure and their role in it.
- Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.
- Use open, not leading questions.
- Do not express opinions in words or attitude.
- Ask single not multiple questions, [i.e. one question at a time].
- Try to separate ‘hearsay’ evidence from fact by asking interviewees how they know a particular fact.
- Persist with questions if necessary. Do not be afraid to ask the same question twice. Make notes of each answer given.
- Deal with conflicting evidence by seeking corroborative evidence. If this is not available, discuss with the Complaints Co-ordinator/ Headteacher/ Chair of Governors the option of a meeting between the conflicting witnesses.
- Make a formal record of the interview from the written notes as soon as possible while the memory is fresh. Show the interviewee the formal record, ask if he has anything to add, and to sign the record as accurate.

Complaints Panel Checklist:

The panel will try to ensure that:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the Complainant is invited to explain their complaint, outline their desired outcome and be followed by their witnesses.
- The Headteacher may question the Complainant and the witnesses after each has spoken.
- The Headteacher is then invited to explain the school’s actions, their views on the desired outcomes and be followed by the school’s witnesses.
- The Complainant may question both the Headteacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The Complainant is then invited to sum up their complaint.
- The Headteacher is then invited to sum up the school’s actions and response to the Complaint.
- The Chair explains that both parties will hear from the panel within 15 school days.
- Both parties leave together while the panel decide on the issues.

Appendix 6 - School Formal Complaint Form

Please complete this form and return it to the Complaints Co-ordinator, who will acknowledge receipt and explain what action will be taken.

Your name:

Child/young person's name:

Your relationship to the child/young person:

Your Address:

Daytime telephone number:

Evening telephone number:

Email:

Please give concise details of your complaint, what you think the School did wrong or did not do. Include dates, names of witnesses etc.

What action, if any, have you already taken to try to resolve your complaint? (Who have you spoken with or written to, and what was the outcome?).

What do you think the School should do to resolve matters at this stage?

Please list any paperwork you are attaching:

Do you need the paperwork to be returned to you: Yes/No

Signature: Date:

School Use

Date form received:

Date acknowledgement sent:

Complaint referred to:

Date response sent:

Received by:

Acknowledgement sent by:

Date referred:

**Appendix 7 – Compliments,
Concerns, Complaints
Summary Leaflet**



"In all we do, we always strive to treat others the way we wish to be treated."

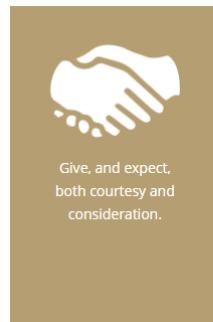
Schools are busy, complex organisations. They are all about people – pupils, who are the most important part of our work, but also their families and our staff who are involved in teaching and caring for the children.

Schools are all about learning and learning involves making mistakes. For the vast majority of time, everything goes well. Teachers teach effectively, children learn and progress and all our school community takes pleasure in celebrating success and achievement.

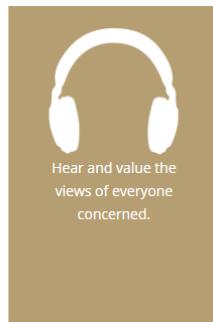
But, every so often, because our job is all about people and people are only human, sometimes things can go wrong, causing upset, disappointment, frustration and sometimes, anger.

This leaflet is to be read with our complaints policy. The leaflet is a quick way to understand the complaints process, but the policy fully explains what you should do, if you have a complaint about us.

We want to know if we've got it wrong and we will do all we can to put the situation right. Sometimes that may involve reviewing policy and making changes to procedures. Sometimes it may be a heartfelt apology and a total commitment to making sure the mistake does not happen again.



Give, and expect, both courtesy and consideration.



Hear and value the views of everyone concerned.



Respect confidentiality and keep all aspects of the complaint private.



Understand that communication is the key to solving disputes and disagreements.



Aim for the best possible outcome for our children.

Your school, like all in the Castleman Academy Trust, wants to make sure that successes are the norm and upsets the exception. By following our policy and procedure, we aim to ensure problems can be dealt with efficiently and fairly. As a result, we would hope that all involved in the education of our young people – pupils, staff and governors – can work in partnership and harmony for the benefit.

COMPLIMENTS

We all enjoy praise!

Our learners welcome recognition for a job well done. That's why you will find our schools use a variety of ways to celebrate and reward great work, progress and positive contributions. If you think your school, staff member or the governing body has done something praiseworthy, why not tell them, or us?

We're sure you'll agree, a word of thanks or a letter of congratulation can have an enormous effect on motivation and morale and positive feedback can do wonders for developing strong relationships.

CONCERNs

You may sometimes have concerns about what the school has done or has not done.

What should you do?

Raise the concern verbally with your child's class teacher or tutor or the Headteacher as soon as possible. The sooner we know about the problem, the sooner we can fix it;

Please make an appointment to discuss the matter with your child's class teacher or tutor. These appointments need to be outside school hours so that staff can ensure learning is not interrupted and they can give you their full attention.

Explain the "what" and the "why" of your concern; your concern will be recorded and staff will investigate. They'll give you an indication of when they will be able to get back to you. Please understand if this may take a couple of days sometimes – we do need time to speak to people and that can take some organisation.

When does a concern, become a complaint?

- When there is a serious dissatisfaction that cannot be resolved in an informal way.
- When a concern is strong enough to require.

COMPLAINTS

Unresolved concerns.

Complaints at this stage become formal and must be put in writing; either in a letter or e-mail using the form in the Complaints Policy Appendix and sent to the Headteacher.

We would really hope that your concern would be sorted out at this stage, but should you still remain dissatisfied, you should contact the Chair of Governors for your school. Their contact details are in the full policy or can be obtained through your school office.

Please do not hesitate to contact your school office if you require any further information.



Ferndown
Middle School

