



# **CASTLEMAN ACADEMY TRUST**

## **POLICY :**

### **Castleman Trust Complaints**

**Author: Chief Executive Officer**

**Date: October, 2020**

**Review Body: Trust Board**

**Date Adopted: 22<sup>nd</sup> October, 2020**

**Review Date: Autumn 2021**

# CASTLEMAN ACADEMY TRUST

## Complaints Policy

Our policies refer to Senior Leaders. This can mean the Executive Headteacher, Headteacher or Head of School.

### Contents

1. Policy Statement
2. Procedures
3. Resolving Complaints
4. Vexatious Complaints
5. Managing and Recording Complaints
6. Publicising the Procedure

## 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) 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.

### 1.2 Statement

1.2.1 The Trust needs 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.

1.2.2 We understand that complaints need to be resolved quickly and fairly in order not to destabilise relationships and ethos.

### 1.3 Who this policy applies to

1.3.1 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.

1.3.2 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.

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

2.2.1 In many cases, a concern can be resolved quickly and will not become a formal complaint. In most cases, an individual member of Trust staff will resolve issues “on the spot”, including apology where required and appropriate. Concerns relating to individual schools within the Trust, should be addressed to the Headteacher/Head of School of the particular school in the first instance.

Parents should approach the class teacher or tutor of their child in the first instance when raising a concern.

If staff have concerns about other staff or practice within the school, they should raise these with their 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/Head of School. If the concern regards the Headteacher, they should approach the Chief Executive Officer.

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

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 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.

We would hope that these are resolved at this “informal” 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 2 of this procedure.

### **2.3 Stage 2**

2.3.1 Stage 2 may be invoked when initial attempts to resolve issues at Stage 1 are unsuccessful or not to the satisfaction of the person raising the concern. 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.

2.3.2 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.

2.3.3 At this level, a formal complaint may be:

- Heard by a senior staff member (not the subject of complaint); or
- Heard by the Trust Complaints Co-ordinator (Chief Executive Officer)

2.3.4 A party who remains dissatisfied or who wishes to complain about an aspect of the Trust or individual school policies, procedures, management or administration should write to the Complaints Coordinator with details of the complaint. The Complaints Coordinator will investigate the matter or delegate the investigation to another senior member of staff, making sure that they:

- Review the initial complaint and how it was handled (Stage 1 – if applicable)
- 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 to clarify information if necessary.
- Clarify what the complainant feels would resolve the issue.
- Interview persons involved in the matter (allowing them to be accompanied if they wish).
- Keep detailed written records of their investigation.
- When s/he is satisfied that, so far as is reasonable, they have all the necessary information, give a decision in writing. The complainant will be informed of this decision together with written reasons for the decision as soon as reasonably practicable and normally within 20 working days of receipt of the written complaint.

It may be appropriate for a senior staff member to hear a complaint (for example, in the case of the absence of the Chief Executive Officer). The senior staff member will investigate and offer a written resolution to the issue. The staff member should inform the Complaints Co-ordinator of a summary of the complaint and its resolution.

## **2.4 Stage 3 – Complaint heard by Panel of the Trust Board**

2.4.1 If the complainant remains dissatisfied with the outcome, or wishes to escalate the complaint, they should write to the Governance Operations Director 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 2. A request for a panel hearing will usually only be considered if the complainant has invoked Stage 1 and 2.

2.4.2 The Chair or nominated trustee 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. The Chair or nominated trustee will arrange for the Panel to be convened to consider the matter at the hearing.

- 2.4.3 The Chair or nominated trustee 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.
- 2.4.4 If the Panel deems it necessary, the Chair will arrange for the complaint to be further investigated. 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.
- 2.4.5 The aim of the hearing is for the Panel to review the decision reached at Stage 2 with the aim of resolving the complaint and to achieve reconciliation between the Trust and/or the School and the complainant. 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:
- Dismiss the complaint in whole or in part if the complaint is not made out.
  - Uphold the complaint in whole or in part if the complaint is not made out.
  - Decide on the appropriate action to be taken to resolve the complaint.
  - Recommend changes to systems or procedures to ensure that problems of a similar nature do not occur.
- 2.4.6 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.
- 2.4.7 The Chair of the Panel 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, recommendation will be sent by electronic mail or otherwise confirmed in writing to the complainant, the Chief Executive Officer, 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.
- 2.4.8 Should the complainant feel that the School's complaints procedure is not compliant with statutory guidelines or that the school is not following the terms of its funding agreement, they should complain to the Education Funding Agency (EFA). Information about this can be found at <https://www.gov.uk/complain-about-school>

### **3. Resolving Complaints**

3.1 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.

3.2 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.

### **4. Early Years Foundation Stage**

4.1 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.

4.2 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.

### **5. Vexatious Complaints**

5.1 There may be times where despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Trust Board should inform them in writing that the procedure has been exhausted and the matter is now closed.

### **6. Managing and Recording Complaints**

6.1 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.

6.2 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.

6.3 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.

**7. Publicising the Procedure**

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

**8. Equality Impact Assessment**

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