Plymouth CAST

Multi Academy Trust, Diocese of Plymouth

Complaints Policy

Guidance on the application of this policy can be obtained from Plymouth CAST HR

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Revision History

Version	Date	Revision	Approved
Original policy:	01/04/2015		01/04/2015
First revision	08/05/2018	Para 5d. 10 working day time frame included	18/05/2018

1. Principles

The Academy tries to resolve problems informally wherever possible. An effective response and appropriate redress will be provided to all complaints as quickly as possible dependent upon the complexity of the issues raised.

NB: This policy relates to complaints about the educational administration of an academy and typically applies to complaints made by parents and carers of students. It does not relate to matters which are governed by employment legislation or those where the principles of civil contract law would normally apply e.g. service/supply contracts entered into with an academy.

There may be some circumstances when an academy may deal with complaints from people who are not parents of attending pupils. This procedures outlined in this policy also applies to these situations.

2. Statutory obligations

- Complainants must be made aware that there is a complaints procedure and copies of this policy will be available on request.
- If the process results in an appeal to the governing body (see below), this procedure is statutory[1].

3. Dealing with complaints

a) At each stage, the person investigating the complaint will ensure that they:

- Clarify the nature of the complaint and unresolved issues
- 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
- Keep appropriate notes of any interview(s) held.

b) At each stage, the person investigating the complaint will seek ways to resolve the complaint satisfactorily. It may be appropriate to offer one or more of the following:

- An acknowledgement that the complaint is valid in whole or in part and/or acknowledgement that the situation could have been handled differently or better (this is not the same as an admission of negligence)
- An apology
- An explanation
- An assurance and an explanation of the steps that have been taken to ensure that it will not happen again
- An undertaking to review academy procedures in light of the complaint.

4. Records

All complaints will be recorded by the academy, including informal complaints. The head teacher is responsible for ensuring that staff record all complaints and their outcome.

- Records relating to individual complaints are confidential, except where the

[1] Schedule 1, paragraph 7, The Education (Independent School Standards) (England) Regulations 2010

secretary of state or a statutory body[2] conducting an inspection requests access to them.

- The LGB will monitor the level and the subject matter of complaints and review the outcomes on a regular basis through the mechanism of performance and data reporting of Plymouth CAST Schools

The officer with responsibility for ensuring that this policy is implemented in Plymouth CAST academies is the Chief Executive Officer at Plymouth CAST. Complainants should be aware that head teachers may refer complaints received to the Area Advisers of Plymouth CAST because they consider the matter is one of such a nature that it should be investigated independently of the academy.

5. Complaints procedure

a) Informal complaints – verbal informal complaints may be made to teachers at the end of the school day or to head teachers by appointment. An oral or written response may be given to an informal complainant.

b) Formal complaints- The complainant will write to the academy with details of:

- The complaint
- Any attempts they made to raise/resolve the complaint (who they spoke to and when)
- Actions they feel might resolve the problem
- Any staff they would prefer not to discuss the issue with.

A staff member (not the subject of the complaint) nominated by the head teacher will respond **within 7 working days** of a complaint being lodged. This time scale may be reasonably extended if the nature of the complaint is judged by the head teacher to be of a complex nature.

c) If the complainant is not satisfied with this response, they must inform the academy in writing, with details of their previous communication and the reason why they are still not satisfied. The head teacher or member of the senior leadership team will respond **within 10 working days**. This timescale may be reasonably extended if the nature of the complaint is judged by the head teacher to be of a complex nature

d) If the complainant is still not satisfied, they can appeal to the Local Governing Body (LGB) (see below) setting out the grounds for the appeal in writing. A complaint panel will be convened **within 10 working days** from the date when the appeal is received. Whilst every effort will be made to deal with an appeal expeditiously this timescale may be reasonably extended in agreement with the complainant if the nature of the complaint is judged to be of a complex nature.

e) Plymouth CAST and its schools reserve the right to deny investigation of any complaints which are considered to be vexatious, malicious, and those relating to a previous complaint that has already been investigated.

6. Appeals to the LGB

(a) Constitution of the panel

- The panel will consist of at least three people.
- At least one of the members of the panel must be independent of the

[2] Under section 163 of the Education Act 2002

management and running of the academy and not a member of the LGB.

- No member of the panel can have been directly involved in previous consideration of the complaint.
- Individual complaints must not be heard by the whole governing body at any stage.

(b) Remit of the panel

The panel can:

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Decide on the appropriate action to be taken to resolve the complaint
- Recommend changes to the academy's systems or procedures to ensure that problems of a similar nature do not recur.

(c) Proceedings of the panel

- The appeal will be closed to the public
- The complainant may attend and be accompanied
- Witnesses will only be required to attend for the part of the hearing in which they give their evidence
- The panel may ask questions at any point
- The panel will deliberate in private
- The panel will inform the complainants of the decision in writing as quickly as possible and in an expeditious manner
- The decision of the appeal panel is final
- However, it is possible for complainants to refer the matter to the Education Funding Agency (see note at end of this policy document).

7. Dealing with persistent complaints

In the case of vexatious or persistent complaints, the Chief Executive Officer will inform the complainant in writing that the procedure has been exhausted and that the matter is now closed.

8. Responsible person

The person in charge of coordinating the complaints procedure at the academy is the head teacher. The role of governors arises only in respect of appeals where the complainant remains dissatisfied with attempts to resolve the issue of complaint and as set out above.

9. Complaints made about a Head teacher of an academy

- Plymouth CAST Schools recognise that in exceptional circumstances parents/carers may wish to complain about Head teachers where issues have been raised with the latter and not resolved in way which is satisfactory to the parent/carer.
- In these cases the correct procedure is for the complainant to write to the Chair of Governors. On receipt the complaint will be acknowledged and an investigation will be undertaken and a response subsequently made to the complainant.
- The response will be dealt with in an expeditious manner and the timeframe that

applies will depend on the complexity of the matter raised and the depth of investigation it requires.

Note regarding the Education Funding Agency (EFA): In limited circumstances it is possible for complaints to be referred to the EFA. The EFA can consider complaints where it is alleged that a) the academy has not complied with its own complaints policy or the policy does not comply with statutory requirements OR b) the academy has failed to comply with a duty imposed on it under its funding agreement with the Secretary of State. Details of how to complain can be found on the Department for Education's website.

Guidance on the application of this policy can be obtained from Plymouth CAST HR
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