

# **PLATANOS COLLEGE**

## **Statement of Intent**

We are committed to providing a caring, friendly and safe environment for all of our pupils so that they can learn in a relaxed and secure atmosphere. We believe every pupil should be able to participate in all school activities in an enjoyable and safe environment and be protected from harm.

This is the responsibility of every adult employed by, or invited to deliver services at, Platanos College. We recognise our responsibility to safeguard and promote the welfare of all our pupils by protecting them from physical, sexual or emotional abuse, neglect and bullying.



## **CONCERNS AND COMPLAINTS POLICY**

**2022-2023**

# Concerns and Complaints Policy

## Review procedures

This Policy is to be reviewed annually or as necessary with notification being given to the Board of Trustees on the results of any review.

If any amendments to the Policy are required as a result of a review, then these will be presented to the Board of Trustees for acceptance of the amendments.

Signature:	Signature:
Chair of Trustees	Headteacher
Date of approval:	

# Concerns and Complaints Policy

## A. Principles

We are committed to safeguarding and promoting the welfare of children. This is the process of protecting children from abuse or neglect, preventing impairment of their health and development, and ensuring they are growing up with safe and effective care that enables children to have optimum life chances.

We recognise that a difficulty which is not resolved quickly and fairly can become a cause of resentment, which would be damaging to relationships. Parents/carers and pupils should never feel - or be made to feel - that a complaint will adversely affect his/her opportunities at the school. We will resolve every parent/carer's concern or complaint in the appropriate way and, where necessary, review our systems and procedures.

It is the aim of the school to ensure that a concern or complaint from a parent/carer is managed sympathetically, efficiently and resolved as soon as possible in order to promote fairness and pupils' welfare.

This policy is based upon Part 7 of the Education (Independent School Standards) Regulations 2014, and therefore only applies to complaints from parents/carers of pupils at the school, regarding their child.

## B. The difference between a concern and complaint

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'*.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of this procedure.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the school can refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, they will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand, however, that there are occasions when parents/carers would like to raise their concerns formally. In this case, the school will attempt to resolve the issue internally, through the stages outlined within this policy.

## **C. Management of complaints**

A senior member of staff is appointed Complaints Co-ordinator by the Headteacher/CEO to handle complaints from parents/carers (the complainant). A complaint can be made via the school office. Please mark them as 'Private and Confidential'.

If the Complaints Co-ordinator is unavailable or is the subject of the complaint, another senior member of staff or the Headteacher will be responsible.

Complaints that involve or are about the Headteacher should be addressed to the Chair of Trustees via the school office. Please mark them as 'Private and Confidential'.

Complaints about the Chief Executive Officer (CEO), a member of the Local Advisory Board, a Trustee, or the Trust itself, should be addressed to the Clerk to the Trust Board via the trust office. These will be investigated and addressed by the Chair of Trustees. Please mark them as 'Private and Confidential'.

Complaints about the Chair of Trustees should be addressed to the Clerk to the Trust Board via the trust office. These will be investigated and addressed by the Vice Chair of Trustees. Please mark them as 'Private and Confidential'.

## **D. Anonymous complaints**

We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Trustees, if appropriate, will determine whether the complaint warrants an investigation.

## **E. Time scales**

You must raise the complaint within three (3) months of the incident or, where a series of associated incidents have occurred, within three (3) months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

Following receipt of a complaint, where further investigations are necessary and clear published timescales cannot be met, the school will inform the complainant of the new time limit and explain the delay.

If other bodies are investigating aspects of the complaint, for example the police, local authority or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, we will inform you of a proposed new timescale.

If a complainant commences legal action against the Trust in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

## **F. Procedures**

### **Stage 1: Concerns reported informally**

- 1.1 We expect that most concerns from parents/carers can be resolved informally. Examples might include dissatisfaction about a miscommunication or about a timetable clash.
- 1.2 Please raise the concern initially with the subject teacher / class tutor / head of year. Discussion with other more senior staff will take place as appropriate. They will aim to resolve the issue quickly and informally (for example through a meeting or a telephone conversation with the complainant).
- 1.3 All concerns will be acknowledged and a written record will be kept with the Complaints Co-ordinator.
- 1.4 Concerns which have not been resolved by informal means within **15 school days** should be notified in writing as a formal complaint which will be dealt with in accordance with Stage 2.

### **Stage 2: Formal complaint in writing to the Headteacher**

- 2.1 An unresolved concern from Stage 1 should be set out in writing addressed to the Headteacher.
- 2.2 Complaints will be acknowledged by telephone, fax, e-mail, or letter.
- 2.3 A senior member of staff may be appointed to investigate the matter and one or more members of the Academy Trust may be involved. Additional information may be required from you. Written records of the investigation will be kept.
- 2.4 Complaints are taken seriously and every effort will be made to investigate and resolve the matter as quickly as possible. In any instance, you will be notified of the outcome of the investigation in writing within **20 school days** from the receipt of the complaint at the latest. If matters relate to an urgent issue such as health and safety for example, these will be addressed with the proportionate level of priority. Please note that any complaint received within one month from the end of term or half term is likely to take longer to resolve due to school holidays and limited personnel.
- 2.5 If the complaint is about the Headteacher, the CEO, a Local Advisory Board member, a Trustee, or the Trust itself, this should instead be addressed to the Chair of Trustees via the Clerk at the trust office (Stage 3; as explained in section C).

### **Stage 3: Formal complaint to the Chair of the Academy Trust**

- 3.1 If the complainant is not satisfied with the Headteacher's decision under Stage 2 (or it is necessary to progress to Stage 3 as explained in section C), the complaint may be renewed formally in writing to the Chair of the Academy Trust.
- 3.2 Please write to the Chair within **five (5) working days** of receiving the Headteacher's decision. Requests received outside of this time frame will only be considered if exceptional

circumstances apply. Please give full details of the complaint including all relevant documents that you wish to be considered.

- 3.3 The Chair will arrange for the complaint to be investigated as quickly as possible following procedures equivalent to Stage 2. When the Chair is satisfied that all the facts are established, he/she will notify the complainant in writing of their decision and the reasons behind it as soon as possible, and in any instance within **20 school days** from receipt of the complaint.
- 3.4 The response will detail any actions taken, provide a full explanation of the decision(s) made and the reason(s) for them. Where appropriate, it will include details of actions the school will take to resolve the complaint.
- 3.5 If the complaint is about the Chair of Trustees, this stage of the complaint should instead be addressed to the Vice Chair of Trustees via the Clerk at the trust office.

#### **Stage 4: Referral to the Academy Trust Complaints Panel**

- 4.1 If the complainant is not satisfied with the Chair's decision the complainant may ask for the complaint to be referred to the Academy Trust Complaints Panel by writing to the Clerk to the Academy Trust at the trust address within **five (5) working days** of receiving the outcome(s) from the previous stage. Requests received outside of this time frame will only be considered if exceptional circumstances apply.
- 4.2 The Clerk will acknowledge receipt of the complaint in writing either by letter or email.
- 4.3 The Clerk will write to the complainant to inform them of the date of the hearing. The complainant will be given reasonable notice of the date. If the complainant rejects the offer of three (3) proposed dates without good reason, the Clerk will decide when to hold the meeting. The Panel Hearing will then proceed in the complainant's absence on the basis of written submissions from both parties.
- 4.4 A Panel Hearing will be held and will review the decisions taken by the Headteacher and the Chair of the Academy Trust. The Panel will be appointed by or on behalf of the Academy Trust and will consist of at least three (3) people who were not directly involved in the matters detailed in the complaint. At least one panel member will be independent of the management and running of the school.
- 4.5 The parent (complainant) may attend the hearing and be accompanied at the hearing if they wish. Please note that the hearing is not a form of legal proceedings.
- 4.6 Representatives from the media are not permitted to attend.
- 4.7 Please ensure that all relevant documents and all the grounds of your complaint are detailed in writing to the Clerk of the Academy Trust if you would like a Panel Hearing. Please also provide all other documents which you would like the Panel to consider. Documentation not submitted to the Panel in advance cannot be considered. All requests will be acknowledged.
- 4.8 Any written material will be circulated to all parties in advance of the hearing. The Panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

- 4.9 The Panel 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.
- 4.10 The meeting will be held in private. Electronic recordings of meetings or conversations are not permitted. Prior knowledge and consent of all parties attending must be sought before recordings of meetings or conversations take place. Consent will be recorded in any minutes taken.
- 4.11 The Panel will establish the facts by assessing the documents provided by both parties and any representations made by the complainant, the Headteacher or the Chair, at the Panel Hearing.
- 4.12 The Panel will decide whether the complaint is upheld or dismissed (in whole or in part) after the hearing. The findings, reasons and recommendations of the Panel will be provided in writing to the complainant and, where relevant, the person complained about within **10 school days** of the Panel Hearing taking place. The decision of the Panel would be final.
- 4.13 If a complaint is upheld in whole or in part, the Panel will decide on the appropriate action to be taken to resolve the complaint and, where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.
- 4.14 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 the Trust.
- 4.15 The Panel will make available a copy of the findings and recommendations (to the Complaints Co-ordinator) for inspection on the school premises by the proprietor (Academy Trust) and the Headteacher.

## **G. The ESFA**

If the complainant believes the Trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have **exhausted all stages of this complaints policy**.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the Trust. They will consider whether the school and the Trust has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed Part 7 of the Education (Independent School Standards) Regulations 2014.

The complainant can refer their complaint to the ESFA online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288, or by writing to:

*Academy Complaints and Customer Insight Unit  
Education and Skills Funding Agency  
Cheylesmore House  
5 Quinton Road  
Coventry  
CV1 2WT*

## **H. Records**

A written record will be kept of the following:

- i) all formal complaints that are made whether they are resolved following a formal procedure or proceed to a Panel Hearing;
- ii) all action taken by the school as a result of those complaints (regardless of whether they are upheld), including:
  - a. the progress of the complaint and the final outcome;
  - b. whether the case progressed to a Panel Hearing;
  - c. the action taken by the school or the trust, regardless of outcome;
  - d. determining who is responsible for these records and make sure the data is kept secure.

All correspondence, statements and records relating to individual complaints are to 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.

## **I. Audio or video evidence**

Complainants should make sure they obtain informed consent from all parties present before recording conversations or meetings.

Schools and the ESFA do not normally accept electronic recordings as evidence when asked to consider a complaint. The ESFA may also ask for the written consent of all recorded parties.

Unless exceptional circumstances apply, the ESFA supports schools who refuse to accept, as evidence, recordings of conversations that were obtained covertly and without informed consent of all parties being recorded.

## **J. Complaint campaigns**

In accordance with DfE guidance, a campaign or a large volume of complaints all based on the same subject from complainants unconnected with the school (e.g. not parents/carers) will be addressed collectively as one complaint by the school or the Trust.

Such complaints will be addressed in writing by a delegated individual with the appropriate level of seniority (as described in section C) and will be equivalent to Stage 2 or 3 of the formal procedure above.



A written response will be provided within **20 school days** of the last complaint (on the same subject) received by the school or Trust.

The formal written response:

- may be a template response to all complainants of that particular issue;
- may be circulated to the complainants electronically (and not through hard copies);
- will be final;
- will inform complainants that the matter can be escalated to the Education and Skills Funding Agency (ESFA).

## **K. Serial and persistent complaints**

There will be instances when, despite all stages of the complaints policy having been followed, the complainant remains dissatisfied. As according to DfE guidance, if a complainant tries to re-open the same issue, the school can inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts the school or the Trust again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent' and the school or Trust may choose not to respond.

The school may consider certain complaints to be vexatious. The characteristics of a 'frivolous' or 'vexatious' complaint are:

- complaints which are obsessive, persistent, harassing, prolific, repetitious; or
- insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason; or
- insistence upon pursuing meritorious complaints in an unreasonable manner; or
- complaints which are designed to cause disruption or annoyance; or
- demands for redress that lack any serious purpose or value; or
- their letters, emails, or telephone calls are often or always abusive or aggressive; or
- they make insulting personal comments about or threats towards staff; or
- you have reason to believe the individual is contacting you with the intention of causing disruption or inconvenience.

The application of a 'serial or persistent' marking should be against the subject or complaint itself rather than the complainant.

If a complaint is deemed to be 'frivolous' or 'vexatious' the school and the Trust will decide to stop responding to the complaint.

The decision to stop responding will never be taken lightly. In deciding to stop responding:

- the school and the Trust will have taken every reasonable step to address the complainant's concerns;
- the complainant has been given a clear statement of the Trust's position and the options;

- the complainant contacts the school and/or Trust repeatedly, making substantially the same points each time.

Additionally, if an individual's behaviour is causing a significant level of disruption, regardless of whether or not they have raised a complaint, the school or Trust can implement a tailored communication strategy. For example, the school will:

- restrict the individual to a single point of contact via an email address;
- limit the number of times they can make contact, such as a fixed number of contacts per term.

If an individual persists to the point that may constitute harassment, the school may seek legal advice. In some cases, injunctions and other court orders may be issued to individuals preventing them from contacting the school directly.

Once the school and/or the Trust has deemed it appropriate to stop responding, the school or the Trust will inform the individual in writing.