



# Castleford Academy Trust

## Complaints Policy

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## 1. Aims

Three Lane Ends Academy aims to meet its statutory obligations when responding to complaints from parents of pupils at the academy. This complaints procedure is not intended to replace the normal discussions regarding problems and concerns which take place on a day to day basis.

### When responding to complaints, we aim to:

- Be impartial and non-adversarial.
- Facilitate a full and fair investigation by an independent person or panel, where necessary.
- Address all the points at issue and provide an effective and prompt response.
- Respect complainants' desire for confidentiality.
- Treat complainants with respect.
- Keep complainants informed of the progress of the complaints process.
- Consider how the complaint can feed into academy improvement evaluation processes.

The academy will try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The academy will aim to give the complainant the opportunity to complete the complaints procedure in full. To support this, the academy will ensure we publicise the existence of this policy and make it available on the academy website.

## 2. Legislation and guidance

As an academy, our complaints policy falls under the Part 7 of the Education (Independent School Standards) Regulations Act 2014.

## 3. Scope

The academy intends to resolve complaints informally where possible, at the earliest possible stage. There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline



These matters are already provided for by existing statutory procedures, copies of which are available on the academy website.

Arrangements for handling complaints from parents of children with SEN about the academy's support are within the scope of this policy.

Complaints about services provided by other providers who use academy premises or facilities should be directed to the provider concerned.

#### **4. Principles for investigation**

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The academy expects that complaints will be made as soon as possible after an incident arises. The academy will consider exceptions to this where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

#### **5. Anonymous complaints**

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

#### **6. Staff conduct**

Complaints about staff will be dealt with under the academy's internal disciplinary procedures, if appropriate.

Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.

#### **7. Social media**

In order for complaints to be resolved as quickly and fairly as possible, Three Lane Ends Academy requests the complainants, do not discuss complaints publicly via social media such as Facebook and Twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to also observe confidentiality. Defamatory, offensive or otherwise inappropriate comments on social media will be reported to the appropriate authorities.



## 8. Complaint campaigns

A complaint campaign can be defined as:

- The academy receiving a number of complaints all based on the same subject.
- The academy receiving multiple complaints from complainants unconnected to the academy.

In the event of a complaint campaign (as defined above), the academy will not respond to each complaint individually but will either:

- send a template response to all complainants or
- publish a single response on the academy's website

## 9. Stages of complaint (not complaints against the Headteacher or a governor).

If you have concerns about the academy or the education provided, please discuss the matter with your son/daughter's class teacher. This may be referred to an Deputy Headteacher for clarification/further action.

### Stage 1: Informal

If you feel that the matter has not been addressed through discussion with Deputy Headteacher, please make contact with the Headteacher. The Headteacher considers any such complaint very seriously and most complaints can be resolved at this stage.

The academy will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

(Please note, if the first approach is made to a Governor, the next step would be to refer the complaint to the appropriate person. Governors cannot act outside of this policy as they may be needed to sit on a panel at a later stage.)

### Stage 2: Formal

#### Inform the Headteacher in writing

- If the matter cannot be resolved informally, you (the complainant) should put the complaint in writing by post or by e-mail to [admin@tleacademy.co.uk](mailto:admin@tleacademy.co.uk) briefly setting out the facts and stating what it is that you consider the academy should have done or where the academy has not met reasonable expectations. This should be within 10 school days of the stage one outcome.
- An investigation will be carried out by the Headteacher or a designated member of the senior leadership team (provided they have not been involved up to this point). The scope of the investigation will be documented to ensure that all aspects are covered. The investigator will offer the complainant a meeting to confirm/clarify the reason for the formal complaint and will speak to others involved. Wherever reasonably possible, the meeting with the complainant will take place within 15 school days of the written complaint being received.
- Following the meeting, the investigator will put their findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within 10 school days of the meeting with the complainant.



Any complaint relating to the Headteacher must be raised in the first instance with the Chair of Governors (or Vice-chair in the absence of the Chair) who will, if an informal resolution cannot be reached, designate a Governor to investigate in the same way as outlined above. Where a complaint is against the Chair of Governors or any member of the Governing Board, it should be made in writing to the Clerk to the Governing Board in the first instance.

### **Stage 3: Formal- submit the complaint to the complaints panel.**

If the complainant wishes to proceed to the next stage of the procedure, they should inform the Chair of Governors in writing within 10 school days of the outcome of stage 2.

The letter should be addressed to the Clerk to the Governors (FAO the Chair of Governors) or e-mailed to [admin@tleacademy.co.uk](mailto:admin@tleacademy.co.uk) (FAO the Chair of Governors) and must set out briefly the reasons why the complainant is dissatisfied with the stage 2 response.

- The panel will consist of at least three people who were not directly involved in the matters detailed in the complaint with one person who is independent of the management and running of the academy. These individuals will have access to the existing record of the complaint's progress (see section 9) but will have no prior knowledge of the complaint.
- A letter of acknowledgement will be sent to the complainant within 5 school days. Within 15 school days of receipt of the complainant's letter, the Clerk will convene a meeting of the Governing Body Complaints Panel together with the complainant and relevant representatives of the academy. That meeting will be held as quickly as practicable, given the need to find a date that is reasonably convenient for the complainant, the academy and the members of the Panel. At any meeting, the complainant will be entitled to be accompanied by a friend (by prior approval of the Governing Body Complaints Panel) but legal representation will not be allowed. In certain circumstances, the governors may refuse a request for a particular individual to attend any such meeting, for example, if there is a conflict of interest.
- The meeting is not a court case and will be as informal as circumstances allow. The complainant will have the opportunity to put her/his reasons for dissatisfaction and to enlarge on them but may not introduce reasons that were not previously put in writing. The academy will have the opportunity to put its side of things and each side, as well as the Panel members, will be able to ask questions. The complainant will have the opportunity to make final comments to the Panel.
- The Panel will make findings and recommendations and a copy of those findings and recommendations will be - sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about - available for inspection on the academy premises by the Trustees and the Headteacher.
- The Panel will formulate its response as quickly as reasonably possible, aiming to do so within 10 school days, and the Clerk to the Governors will notify all concerned.
- If a complainant tries to reopen the same issue, the Chair of Governors may write to the complainant to inform him/her that the procedure has been completed and the matter closed.
- 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.
- 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 162A of the Education Act 2002 requests access to them.
- The decision of the panel is final. If you are still not satisfied, you may wish to put your complaint to the Education and Skills Funding Agency (ESFA).



## 10. Complaints about the Trust

Where a complaint relates to a specific academy, this should be raised with the individual academy following their normal lines of communication and/or complaints policy. Any complaints that have not been raised with an individual academy will be referred to that academy in the first instance. Please note, complaints about the Trust should not be viewed as another stage of the complaints policy.

If your concern relates to the running or organisation of the Trust, please direct it to the Chief Executive Officer (CEO). This concern will be dealt with in an informal way, involving others as necessary and the CEO may delegate the matter to staff as appropriate and depending on the nature of the concern. If after this informal process has concluded you are still not satisfied, you can lodge a formal complaint which should be addressed to the CEO. If your concern or complaint relates to the CEO it should be addressed to the Chair of Trustees.

Your complaint should be made in writing. There are three stages to the formal complaint's procedure as below:

**Stage one:** complaint heard by the CEO.

**Stage two:** complaint heard by the Chair of Trustees.

**Stage three:** complaint heard by Trustees Complaints Panel. The details of each stage and timescales are the same as those set out in the complaint's procedure above.

## 11. Referring complaints on completion of the academy's procedure

If the complainant believes the academy did not handle their complaint in accordance with this 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 completed Stage 3.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by Three Lane Ends Academy. They will consider whether Three Lane Ends Academy has adhered to education legislation and any statutory policies connected to the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).

## 12. Unreasonable Complaints/Complainants

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

Three Lane Ends Academy defines unreasonable complainants as *“those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints.”*

A complaint may be regarded as unreasonable when the person making the complaint:

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.



- Refuses to co-operate with the process outlined in the 'Formal Complaints Procedure' while still wishing their complaint to be resolved.
- Refuses to accept that certain issues are not within the scope of the 'Formal Complaints Procedure'.
- Insists on the complaint being dealt with in ways which are incompatible with the 'Formal Complaints Procedure' or with good practice.
- Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises a large number of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales.
- Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced.
- Changes the basis of the complaint as the investigation proceeds.
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed).
- Refuses to accept the findings of the investigation into the complaint where the academy's 'Formal Complaints Procedure' has been completed including, where appropriate, referral to the Department for Education.
- Seeks an unrealistic outcome.
- Makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint either in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- Maliciously
- Aggressively
- Using threats, intimidation or violence
- Using abusive, offensive or discriminatory language
- Knowing it to be false
- Using falsified information
- Publishing unacceptable information in a variety of media such as in social media websites and newspapers

Complainants should limit the number of communications with an academy whilst a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Three Lane Ends Academy causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a written communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from Three Lane Ends Academy.



### **Barring from the academy premises:**

Although fulfilling a public function, our academy is a private place and the public has no automatic right of entry. We therefore act to ensure we remain a safe place for pupils, staff and other members of our community.

If the behaviour of either a complainant or a parent is a cause for concern, they will be asked to leave academy premises. In serious cases the Headteacher will notify them in writing that their implied licence to be on academy premises has been temporarily revoked subject to any written representation that they wish to make.

The decision to bar will be reviewed upon receipt of any representations made and will either be confirmed or lifted. Any decision will be notified in writing with an explanation of how long the bar will be in place.

Should anyone wish to complain about being barred they can do so via letter or email to the Headteacher or Chair of Governors.

We reserve the right not to consider complaints that:

- are malicious (that is, they are instituted without sufficient grounds and serving only to cause annoyance).
- use obscenities, racist or homophobic language.
- contain personally offensive remarks about members of our staff.
- are repeatedly submitted with only minor differences after we have fully addressed the complaint.

## **13. Monitoring and Review**

The Trust Board monitors the Complaints Procedure, in order to ensure that all complaints are handled properly. The Headteacher will log all formal complaints received by the academy and record how they were resolved. The Trust Board will review complaint logs on a termly basis and consider the need for any changes to the procedure.

## **14. Availability**

A copy of this procedure is available to all parents and members of the public on request and is published on the Academy's website.