

POLICY

PROCEDURE STATEMENT COMPLAINTS

Formulation date:

Nov 2020

Senior Team Responsibility:

Principal

Reviewed:

Nov 2024

Next Review Date:

Nov 2025

Associated Documentation:

Whistleblowing
Safeguarding

Introduction

Casterton College Rutland endeavours to provide the best possible education for all its students in an open and transparent environment. We welcome any feedback from parents, students and third parties and we accept that not all of this will be positive. Where concerns are raised, the school intends for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without prejudice

The Board of Trustees of Casterton College Rutland has approved the following procedure which explains what you should do if you wish to express concerns or make a complaint.

Concerns and complaints that fall outside of this procedure:

- Pupil admissions; please see the school's admissions policy
- Pupil suspensions or exclusions; please see the school's behaviour policy
- Staff grievance, capability or disciplinary policy; these are covered by the school's procedures
- Where the concern or complaint concerns a third party used by the school; please complain directly to the third party themselves
- • Subject Access Requests and Freedom of Information Requests – please see the school's Data Protection and Freedom of Information Policy

Summary:

This Procedure Statement sets out the procedure that should be followed in the case of expressing a concern or making a complaint.

STATUTORY

1 Procedure Statement

1.1 In the case of any concern or complaint, Casterton College Rutland will aim to deal with the situation as quickly as possible and aim for resolution to the satisfaction of all parties.

1.2 Definitions:

- A concern is an expression of worry or doubt over an issue considered to be important for which reassurances are sought.
- A continuing concern is any query left unsolved or any query which is received more than once
- A persistent concern is any query which is repeatedly brought to the attention of the college
- A complaint requires the attention of the Senior Leadership Team.

Complaints are defined as matters relating to breaches of the law, non-compliance with DfE regulations, any issue which would bring the

reputation of the academy into disrepute and any unresolved serious concerns

1.3 This Procedure Statement does not form part of any employee's contract of employment and is entirely non-contractual. It may be amended, withdrawn, suspended or departed from at the discretion of the Trust.

2 Who does this Procedure Statement apply to?

2.1 This Procedure Statement applies to all staff, parents, students, visitors to and Trustees of the college. The same process will be followed for people who are not parents of children at the college.

3 Who is responsible for implementing and reviewing this Procedure Statement?

3.1 The implementation of this Procedure Statement will be monitored by and remain under review by the Casterton College Rutland Academy Trustees.

4 What are the principles behind this Procedure Statement?

4.1 Through a process of continual improvement, we try to provide the best quality service to users. Opinions of stakeholders may be sought in a variety of ways throughout the academic year. One of the ways to accomplish this is to have open and clear channels of communication and to take concerns and complaints seriously.

4.2 The Academy will seek to ensure that all concerns and complaints are managed as quickly and effectively as possible after being brought to our attention, and in a manner which respects confidentiality and is non-adversarial in approach.

4.3 We will seek to determine an effective outcome of concerns or complaints, with appropriate redress where necessary.

5 Procedures

The principal shall normally decide whether a matter raised constitutes a concern or a complaint. Parents cannot choose to accelerate their concern into a complaint, unless it is serious and has remained unresolved after the normal concern process has been exhausted (see 5.3) unless the matter is considered to meet the definition of a complaint (see 1.2). If the concern process has been exhausted, it is normally up to the principal or Chair of Trustees to decide whether the matter is sufficiently serious to be heard as a complaint. Please note; parents/carers do not have the right to demand that their concern should be dealt with as a complaint if it is, in their view, unresolved because they did not get the outcome they desired.

Concerns

5.1 Parents/carers are encouraged to raise their concerns with the appropriate person at the school and work constructively with that person toward resolving them. The extent to which this was both attempted and followed may be taken into consideration when assessing the reasonableness of a concern or complaint during the formal stages of the

procedure.

5.2 Concerns (as defined in 1.2 above) will be dealt with by the member of staff who, in the view of the principal, is best placed to address the issue.

5.3 If a concern is considered vexatious, that is the complainant raises concerns and complaints on a regular basis or without foundation or good cause, the principal retains the right to inform the complainant that the matter is resolved. In the event this decision is disputed, the Chair of Trustees shall decide.

5.4 Upon receipt of a concern expressed in writing an initial response will be provided as soon as possible and, normally within 10 school days. Should it not be possible to respond within 10 school days, the parent/carer will be advised of this within the 10-day time frame, along with the reason why, and a new timescale. The aim is for a final resolution of issues as soon as possible.

5.5 Resolutions may include an apology, explanation, admission that the situation could have been dealt with more effectively, an assurance that the situation will not recur or that the Academy will review the procedure in light of the complaint. Please note that it is not a condition of successful resolution that the complainant gets the outcome they desire.

Complaints

The principal shall normally decide if a concern is unresolved and therefore whether it is appropriate to move it forward to the complaint process. In the event of a dispute, the Chair of Trustees should decide. Please note that complaints that are submitted more than 3 months after the issue that led to the complaint, it will not be considered under the procedure, unless there are exceptional circumstances.

5.6 Complaints (as defined in 1.2 above) are matters for the Senior Team or principal to address in the first instance.

5.7 Once the complaint has been expressed in writing, using the form in Annex A below, a record of the process of the resolution of the complaint will be kept on the Complaints Action Record, which will be retained by the Clerk to governors.

Stage 1 (Formal investigation by the principal)

5.8 A request for formal investigation of a complaint by the principal (or Chair of the Trustees) should be made in writing by completing the formal complaints form that is included in Annex A of this procedure.

5.9 The principal (or Chair of the Trustees) will acknowledge the request in writing no more than 14 school days of receiving it. The written acknowledgement will, as far as possible, explain how the complaint will be investigated and the timescale for completing the investigation. Should it not be possible to respond within 14 school days, the parent/carer will be advised of this within the 14-day time frame, along with the reason why, and a new timescale. The aim is for a final resolution of issues to

be arrived at as soon as possible.

5.10 A log of all correspondence in relation to the complaint must be kept in accordance with Data Protection Principles.

5.11 The principal will consider all relevant evidence. This may include, but is not limited to:

- Obtaining statements from the complainant and those involved with the complaint
- Meeting with the complainant and those involved with the complaint
- Reviewing correspondence and other documents relating to the complaint

5.12 After considering the available evidence, the principal can decide to:

- Uphold the complaint and direct that certain action be taken to resolve it
- Uphold the complaint in part (in other words find an aspect or aspects of the complaint to be valid, but not the whole complaint) and direct that certain action be taken or dismiss the complaint entirely

5.13 The principal will inform the complainant of their decision in writing, the grounds on which it was made, and any actions taken because of the complaint. This will be within 20 school days of having issued acknowledgement of receipt of the complaint. The written notification shall also advise the complainant of their right to escalate the complaint to stage 2 of the formal complaints procedure if they are not satisfied with the outcome of stage 1, including the contact details of the Clerk to the Board of Trustees.

5.14 If the complainant is dissatisfied with the outcome of the complaint, after Stage 1, they may be referred to Stage 2, or if the complaint concerns a potential breach of the law, non-compliance with DfE regulations, or an issue that would bring the reputation of the College into disrepute. The Chair of Trustees will decide whether the complaint warrants proceeding to stage 2.

Stage 2 (Panel hearing)

5.15 This is the final stage of the complaints process. The complainant is entitled to a review of the decision made at Stage 1 and the actions taken. The review is carried out by a panel of the Board of Trustees at a meeting convened by the Clerk to the Trustees. Requests for a review of the decision taken at Stage 1 should be made in writing to the Clerk to the Trustees, Casterton College Rutland, Ryhall Road, Great Casterton, Rutland, PE9 4AT, no later than 4 weeks after written notification of the decision has been received. Complainants should set out:

- A brief summary of the complaint
- Why the complainant is dissatisfied with the outcome of Stage 1
- What outcome they are seeking

5.16 If the complaint is about the principal, the complainant should write to the Chair of Trustees, c/o Casterton College Rutland, Ryhall Road, Great Casterton, Stamford, Lincs, PE9 4AT.

5.17 The Clerk will organise the time and date of the review meeting, inviting all attendees, collating all relevant documentation and distributing this, 5 days in advance of the meeting. Minutes of the review meeting will be taken by the Clerk and provided with written notification of the decision taken at Stage 1.

5.18 The complaints panel meeting will be held in private and will follow the format set out at Annex B. The aim of the meeting will be to resolve the complaint and achieve reconciliation between the college and the complainant. However, it must be recognised that the complainant might not be satisfied with the outcome if the committee does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that the complaint has been taken seriously.

5.19 The procedure is as follows:

- The Clerk will acknowledge the written request for the complaint to be reviewed no later than 10 school days after receiving it
- The Clerk will convene a panel of 2 college Trustees and one independent member or 3 college Trustees to review the complaint. All 3 panel members will have no prior knowledge of the content of the complaint.
- The review meeting will take place within 20 school days of receipt of the written acknowledgment from the Clerk

5.20 The panel may decide to invite the following to the review meeting:

- The complainant
- The principal (or the Chair of Trustees as appropriate) who investigated the decision and made the decision at Stage 1
- Relevant persons involved in the complaint
- Person whom, in the view of the panel, can provide relevant advice and information relating to the subject of the complaint and the review process at Stage 1

5.21 It is acknowledged that many complainants feel nervous, and inhibited, in a formal setting, especially where sensitive matters are to be discussed. The panel chair will ensure that the proceedings are as welcoming as possible, that the setting is informal and not adversarial. Where the complainant, principal and/or relevant person involved in the complaint have been invited to attend the review meeting, they are entitled to be accompanied by a family member/friend/representative as appropriate. However, legal representatives are not permitted to attend the meeting.

5.22 Where a complaint involves a child, the committee, in conjunction with the parent/guardian, will determine the degree of the child's involvement

in the hearing. It would not normally be appropriate for the child to be present throughout the meeting. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The committee needs to be aware of the views of the child and give them equal consideration to those of any adults at the meeting.

5.23 Where the relevant persons involved in the complaint include students at the school, and their attendance has been requested by the panel, parental permission must be sought if they are under 18. Extra care should be taken to consider the vulnerability of children when they are present at a complaints hearing.

5.24 Where the complaint is about a Trustee or Board of Trustees, the complainant may request that the review meeting is held by an independent panel. This is at the discretion of the Board of Trustees, who will notify the Clerk of their decision.

5.25 After considering the complaint afresh and reviewing the available evidence, the panel reviewing the complaint can decide to:

- Uphold the complaint and direct that certain action be taken to resolve it
- Uphold the complaint in part (in other words find an aspect or aspects of the complaint to be valid, but not the whole complaint) and direct that certain action be taken
- Dismiss the complaint entirely

5.26 Irrespective of the decision taken, the panel may also recommend steps that the complainant and/or the school should take to move forward in the best interests of all concerned. The panel may also recommend steps to be taken that reduce the likelihood of a similar complaint being made in the future.

5.27 The complainant, the principal (or Chair of the Board of Trustees) who investigated the complaint and made the decision at Stage 1, and, where relevant, the person being complained about, will be informed in writing of the outcome of the review meeting no later than 10 school days after the review meeting has taken place.

5.28 This is the final stage at which the school will consider the complaint. If the complainant remains dissatisfied and wishes to escalate the complaint further, they should refer to Rutland County Council.

5.29 If the complainant feels that the Board of Trustees acted unreasonably in the handling of the complaint, they can complain to the Department for Education after the complaints procedure has been exhausted.

Please note that 'unreasonable' is used in a legal sense and means acting in a way in which no rational school or authority would act in the same circumstances.

5.30 Where a complaint has been made about a member of the Board of Trustees or the entire Board, the Clerk should seek advice about how to proceed from their local authority or governance professional).

This may involve sourcing an independent investigator and/or panel to hear the complaint.

5.31 Records of what the complaint was, along with any evidence that was considered, and the outcome, should be kept by the school. If a panel is convened, a copy of the findings and recommendations made at the panel review stage must be provided to the complainant, and, if appropriate, to the person being complained about. Copies of these should be kept in school. Any personal information recorded regarding the complaint must be kept in accordance with the principles of the GDPR and Data Protection Act 2018.

6 Serial, Persistent and Vexatious Complaints

6.1 If, after all stages of the complaints procedure have been followed, the complainant tries to reopen the same issue, the Chair of Trustees should inform the complainant, in writing, that the procedure has been exhausted and that the matter is now closed from the trustee's point of view.

6.2 A complaint may be viewed as unreasonable if it contains threatening, abusive or offensive language and conveys unrealistic outcomes beyond all reason. In such cases, the principal/chair of Trustees/Clerk will consult with relevant parties and may decide that the complaint is not considered under this procedure. The complainant will be notified in writing that this is the case, and that Casterton College Rutland will provide no further response.

6.3 If the complainant wishes to take their complaint further, they can write to the Department for Education, Castle View House, East Lane, Runcorn, Cheshire, WA7 2GJ, which has its own Procedures for dealing with complaints about Academies. More information can be found at: <http://www.education.gov.uk/aboutdfe/complaintsprocedure/b00212240/making> <http://www.education.gov.uk/aboutdfe/complaintsprocedure/b00212240/making-complaint-schoolcomplaint-school>

6.4 Queries regarding any aspect of the complaints procedure should be directed to the Clerk to the Governing Body at Casterton College Rutland, Ryhall Road, Great Casterton, PE9 4AT.

7 Procedure Statement Review

7.1 This Procedure Statement will be monitored as part of the Academy's annual internal review and reviewed on a two-year cycle or as required by legislature changes.

CASTERTON COLLEGE RUTLAND

ANNEX A

Formal Complaints Form

Complainants should be provided with the format outlined below in order to formulate their evidence to the panel.

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Your name:

Student's name and year group:

Your relationship to the student:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Email address:

Please give details of your complaint:

What action, if any, have you already taken to try and resolve your concern? (Who did you speak to and what was the response?)

Why do you feel that this is not a satisfactory solution for you?

What actions would you like to be taken to resolve the problem?

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Office use:	By whom:
Date acknowledgement sent:	Complainant Referred to:
Date:	

**CASTERTON COLLEGE RUTLAND
ANNEX B**

Checklist for complaints Panel Meeting

Where possible, the Complaints Panel hearing should follow the format laid out below. This should only be deviated from with the consent of both parties. Some complainants may not feel comfortable speaking to, or in front of, the Principal and this should be taken into account when formalizing the procedure. The meeting should be as informal as possible.

- Witnesses are only required to attend for the part of the meeting in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint and be followed by their witnesses.
- The Principal may question both the complainant and the witnesses after each has spoken.
- The Principal is then invited to explain the Academy's actions and be followed by the Academy's witness.
- The complainant may question both the Principal and the witnesses after each has spoken.
- The panel may ask question at any point.
- The complainant is then invited to sum up their complaint.
- The Principal is then invited to sum up the Academy's actions and response to the complaint.
- Both parties leave together while the committee decides on the issues.
- The chair explains that both parties will hear from the panel as soon as possible but, in any event, within a seven-day period.