



**PLUME**

*Maldon's Community Academy*

# Complaints Policy

*This policy has been approved by the Board of Trustees with reference to the academy's Equality Policy. The aims of the Equality Policy are to ensure that Plume Academy meets the needs of all, taking account of gender, gender identity, ethnicity, culture, religion, language, sexual orientation, age, ability, disability and social circumstances. It is important that in this academy we meet the diverse needs of students to ensure inclusion for all and that all students are prepared for full participation in a multi-ethnic society.*

Last Reviewed: February 2022

Next Review: February 2024

Plume Academy recognises that at times things can and do go wrong. The Board of Trustees and staff believe that it is in all stakeholders' best interest to resolve concerns and complaints at the earliest possible stage. Therefore, this policy is aimed at helping all associated stakeholders understand how best to resolve their associated issues, concerns or complaint.

The stages are sequential, and it is expected that the complainant will follow the procedural order described below. A referral by the academy to an earlier stage in the procedure should not be interpreted as 'trivialising' but is a professional attempt to deal with the complaint quickly and at the most appropriate level.

### **Scope**

The scope of this policy covers the vast majority of complaints that the academy is likely to receive, however, it is not intended to cover matters in respect of which there is an alternative process. In particular:

- admission of children to school;
- statutory assessments of Special Educational Needs and Disabilities;
- matters likely to require a child protection investigation;
- exclusion of children from school (complaints about the application of the Behaviour Policy can be made through the Complaints Policy, however);
- whistleblowing;
- staff grievances;
- staff conduct complaints. NB - Complaints about staff are dealt with under the academy's internal disciplinary procedures, if appropriate. However, a stakeholder may raise a complaint about a staff member directly or indirectly. Complainants will not be informed of any disciplinary action taken against the staff member as a result of a complaint. Instead, complainants will be notified that the matter is being addressed and will be allowed to progress through the academy's complaints procedure; or
- complaints about services provided by other suppliers who use the academy's premises or facilities.

### **General Principles**

Plume Academy complaints procedure will:

- seek to resolve problems by informal means at an appropriate level wherever possible;
- be easily accessible and publicised;
- be simple to understand and use;
- be impartial and non-adversarial;
- respect confidentiality;
- seek to provide an effective response and appropriate redress, where appropriate;
- provide information to the academy's Senior Leadership Team so that services can be improved;
- identify a formal complaints procedure;
- ensure that written records are kept of all complaints; and
- ensure that all correspondence, statements and records of complaints are kept confidential and held securely and separate to any students' personal records.

### **Procedure**

The following are the key stages of our complaints procedure:

**Stage 1** An informal discussion or meeting to discuss and look to resolve matters

**Stage 2** Referral to the respective Senior Leaders with Head of Campus responsibility:

- Assistant Vice Principal for Mill Road Campus for Years 7 and 8

- Assistant Vice Principal for Farnbridge Road Campus for Years 9 -11
- Assistant Vice Principal for Years 12 and 13

**Stage 3** Referral to the Joint Heads of Academy specifically:

- Mr Baster for any Quality of Education related matters
- Mrs Clark for any pastoral related matters

**Stage 4** Referral to the Executive Principal

**Stage 5** Referral to the Board of Trustees

*Note: Any complaint directly against the Executive Principal will be dealt with in the first instance by the Chair of the Board of Trustees who in turn, may delegate any ensuing necessary investigation to another member of the Board of Trustees.*

*In exceptional circumstances, the Chair of the Board of Trustees may advance a complaint at any stage of the process.*

### **Stage 1 - An informal discussion or meeting to discuss and resolve matters**

Our experience is that the vast majority of concerns and complaints can be resolved informally. Concerns should first be raised with the relevant form tutor, Assistant Head of Year or Head of Year, class teacher, Subject or Faculty Leader. If the complaint is of a more serious nature, it should be raised with the relevant Head of Campus. As noted above, this may initially result in a referral by the academy to a less senior member of staff in order to gather evidence. The respective Head of Campus may, however, conclude that the complaint should move to Stage 2 with immediate effect. Informal discussions and/or meetings will be a key feature of this stage and we will endeavour to resolve the complaint within an acceptable timescale.

If the person is dissatisfied with the response provided or actions taken, they should refer to Stage 2 of the Complaints Policy below.

### **Stage 2 - Referral to the respective Head of Campus**

If the complaint has not been resolved at Stage 1, the complainant should write to the appropriate Head of Campus giving reasons for their dissatisfaction. This should be within 10 days of receiving the Stage 1 outcome.

An informal meeting with the appropriate senior member of staff will seek to bring the complaint to an acceptable conclusion at this stage. The meeting will be arranged as soon as possible and at a convenient time for both parties.

As preparation for the meeting, the senior member of staff will review all notes of previous meetings and outcomes and may arrange for an investigation to be conducted. If an investigation is conducted, then:

- interviews and statements will be taken as necessary; and
- all persons interviewed will have the right to be accompanied or represented by a friend or relative at any ensuing meetings and/or hearings.

After the informal meeting, a written response will be sent to the complainant within 10 working days. The response will determine whether or not the complaint has been upheld, the reasons why and what action, if any, that will be taken.

If the complainant remains dissatisfied after this response, they should refer to Stage 3 of the Complaints Policy and put the complaint in writing to the respective Joint Head of Academy clarifying

the reasons why they believe it has not been resolved.

### **Stage 3 - Referral to the relevant Joint Head of Academy**

If the complainant feels that matters have not been resolved at Stage 2, they should write to the appropriate Joint Head of Academy. This should be within 10 days of receiving the Stage 2 outcome.

A meeting with the respective Joint Head of Academy will be arranged as soon as possible and at a convenient time for both parties. This will be with the aim of bringing the complaint to an acceptable conclusion.

As preparation for the meeting, the respective Joint Head of Academy will review all notes and information from previous meetings and outcomes and may arrange for a further investigation to be conducted.

After the informal meeting has taken place, a written response will be sent to the complainant within 10 working days. The response will determine whether or not the complaint has been upheld, the reasons why and what action, if any, will be taken.

### **Stage 4 - Referral to the Executive Principal**

If the complainant remains dissatisfied after this response, they should refer to Stage 4 of the Complaints Policy and put the complaint in writing to the Executive Principal, including the reasons why they believe it has not been resolved.

This should be within 10 working days of receiving the Stage 3 outcome. It is a precondition to the operation of Stages 2 and 3 that the complainant shall have made reasonable attempts to seek an informal solution and have acted in relation to the matter in a reasonable and measured way. The Executive Principal will review all notes of meetings and any statements collected as part of an earlier investigation and may arrange for further investigation to be carried out by a senior member of staff who has had no previous involvement with the case in question.

The Executive Principal may offer to meet the complainant to try to come to an agreed resolution to the complaint. This meeting is at the discretion of the Executive Principal, however, and any agreed outcomes will be conveyed by letter.

Within 10 working days, the Executive Principal will respond to the complainant. If this timescale cannot be met, the Executive Principal should inform the parent/carer that this will take longer, explain the reasons as to why this is the case and provide a timescale for when the investigation will be completed.

At the end of this stage, the Executive Principal will put the findings into writing to the complainant and will identify any agreed outcomes, suggest further steps to resolve the matter and/or explain the academy's position.

### **Stage 5 - Complaints Panel**

It is a precondition of the move to the final stage of the process that the complaint has been dealt with under this Complaints Policy and has not been resolved at Stage 4, and that the complainant shall have acted in relation to the matter in a reasonable and measured way.

It should be noted that the Chair of Trustees will review the handling of the complaint and has the discretion, which will not be exercised unreasonably, not to allow the complaint to be considered at the panel stage where this precondition has not been met. The discretion may also be applied where the Chair takes the view that the complaint is vexatious and/or has little or no substance.

1. If the complainant is not satisfied with the response to Stage 4 they may request that the complaint be considered by the Complaints Panel which will comprise at least three people

and which will include one person who is independent of the management and running of the academy. None of the Complaints Panel should have been directly involved in the matters detailed in the complaint either.

2. The request must be in writing, addressed to the Clerk to the Board of Trustees of the academy within 10 working days of the response at the end of Stage 4 being sent to the complainant. This communication must set out the reasons why the complainant is dissatisfied with the response.
3. If the complaint is to be considered by a panel, the Clerk to the Board of Trustees will invite the academy to put in writing its response to the complainant's reasons. The academy will do this within 15 working days and at the end of that period (whether or not the academy has responded), the Clerk to the Board of Trustees will convene a meeting of the Complaints Panel.
4. The panel meeting will be held as quickly as possible given the need to find a date that is reasonably convenient for the complainant and the members of the panel. Where possible, the meeting will be held within 15 working days of the end of the academy's response time. At any meeting, the complainant will be entitled to be accompanied by a friend, but legal representation will not be allowed.
5. 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 provide an input during the meeting and each side, as well as the panel members, will be able to ask questions. The complainant and academy will also have the opportunity to make final comments to the panel.
6. The panel may make findings and recommendations and a copy of those findings and recommendations will be:
  - (i) sent by email or otherwise given to the complainant and, where relevant, the person complained about; and
  - (ii) available for inspection on the academy premises by the Academy Trust and the Executive Principal.
7. The panel will formulate its response as quickly as reasonably possible, aiming to do so within 10 working days, and the Clerk to the Board of Trustees will notify all parties involved and concerned.
8. If a complainant tries to reopen the same issue, the Chair of Trustees may write to the complainant to inform him/her that the procedure has been completed and the matter closed. The Chair of Trustees reserves the right to label the complainant as "serial" or "persistent" if further contact is made, and may, therefore, choose not to respond any further. Such a label may only be applied to the complaint itself, not the complainant.
9. A written record will be kept of all Stage 5 complaints. Records will contain details of whether the complaint was resolved at Stage 4 of the process, or whether it progressed to a panel hearing. The action taken by the academy as a result of a complaint (regardless of whether it is upheld or not) will also be recorded.
10. 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 109 of the Education and Skills Act 2008 requests access to them.

#### Recording meetings

Where there are communication difficulties, the academy will allow the use recording devices to ensure the complainant is able to access and review the discussions at a later point. All parties should agree in advance to being recorded. **Please note that where recordings are made without the consent of those present and are subsequently published without their consent, this is a criminal offence which the Trust will take very seriously.**

### Use of audio or video evidence

Please note the ESFA does not normally accept electronic recordings as evidence when asked to consider a complaint. Unless exceptional circumstances apply, the academy will not accept recordings of conversations that were obtained covertly and without informed consent of all parties being recorded, as evidence.

### Vexatious complaints

Where the academy receives complaints that it considers to be of a 'frivolous' or 'vexatious' nature where they are characterised by one or more of the following characteristics:

- complaints which are obsessive, persistent, harassing, prolific and repetitious;
- insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason;
- insistence upon pursuing meritorious complaints in an unreasonable manner;
- complaints which are designed to cause disruption or annoyance; and
- demands for redress that lack any serious purpose or value.

In such cases the academy reserves the right not to deal with such complaints. In all such cases it will write to the complainant explaining the decision and allowing them the chance to moderate their behaviour.

### Complaint Campaigns

Where the academy becomes the focus of a campaign and receives large volumes of complaints which are either all based on the same subject or from complainants unconnected with the academy, the academy will respond by either sending the response to all complainants or publishing a single response on the school's website, as appropriate. Whilst the complaints process remains open to complaints of this nature, the academy reserves the right to moderate it for practical reasons. For example, the number of complainants allowed to attend a complaint panel.

If the complainant is still not satisfied, they may contact the ESFA as follows:

- calling the National Helpline on 0370 000 2288;
- using ESFA's [contact form](#); or
- writing to them via:

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

Please note the ESFA cannot overturn the decision about a complaint. Their role is to make sure the complaint is handled properly by following a published procedure that complies with part 7 of the Education (Independent School Standards) Regulations 2014.

The ESFA will only consider the complaint if the complainant can provide evidence that the academy or trust:

- does not have a complaints procedure;
- did not provide a copy of its complaints procedure when requested;
- does not have a procedure that complies with statutory regulations;

- has not followed its published complaints procedure; or
- has not allowed its complaints procedure to be completed

The ESFA is **not** able to:

- overturn the panel's decision;
- re-investigate the original complaint;
- review the accuracy of minutes taken or documents provided;
- order that compensation is paid;
- direct the academy to discipline / exclude pupils;
- force the academy to discipline / dismiss staff; or
- instruct the academy to apologise.

This Complaints Policy was reviewed and ratified by the Board of Trustees of Plume Academy on 23 February 2022.