Castle Phoenix Trust

Complaints Procedure

Trust Level Policy

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July 2022	**Refresh of policy**
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September 2025	**Rewrite of policy**

CASTLE PHOENIX TRUST COMPLAINTS POLICY

1. Aims

At Castle Phoenix Trust, we value our relationship with students, parents and the community and we endeavour to provide a high quality service at all times. We recognise that at times things can and do go wrong. The Board of Trustees, Headteachers, staff and members of the Local Governing Bodies (LGBs) at each of the schools within the Trust, believe that it is everybody's best interest to resolve concerns and complaints at the earliest possible stage. For ease of read, the term 'parent' has been used throughout the document, to include parents, legal guardians and full time carers.

This policy applies to any individual or organisation wishing to raise a concern or make a complaint about the services or conduct of a school or Castle Phoenix Trust.

Complaints may be submitted by parents/carers, pupils (where appropriate), staff, members of the public, and other stakeholders.

Framework of Principles
The Castle Phoenix Trust Complaints procedure will:

- Encourage resolution of problems by informal means wherever possible.
- Be impartial and non-adversarial.
- Be easily accessible and publicised.
- 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.
- Provide information to the leadership teams of the schools so that services can be improved.
- Throughout the process, we will be sensitive to the needs of all parties involved and make any reasonable adjustments to accommodate individuals.

2. Legislation and guidance

This document meets the requirements set out in part 7 of Schedule 1 to the Education (Independent School Standards) Regulations 2014, which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school.

It is also based on guidance published by the DfE on creating a complaints procedure that complies with the above regulations, and refers to best practice guidance for academies complaints procedures from the Department for Education (DfE).

In addition, it addresses duties set out in the Early Years Foundation Stage statutory framework with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

This policy complies with our funding agreement and articles of association.

3. Definitions and scope

The DfE guidance explains the difference between a concern and a complaint.

A **concern** is defined as "an expression of worry or doubt over an issue considered to be important for which reassurances are sought". The school will resolve concerns through day-to-day communication as far as possible.

A **complaint** is defined as "an expression of dissatisfaction however made, about actions taken or a lack of action". The school 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)	Concerns about admissions and statutory assessments of Special Educational Needs should be raised with Coventry City Council or Warwickshire County Council (Kingsbury School only)
Safeguarding matters	Complaints about child protection matters are handled under the school's Safeguarding and Child Protection Policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the Local Authority Designated Officer (LADO) who has local responsibility for safeguarding or the local Multi- Agency Safeguarding Hub (MASH)
Suspension and permanent exclusion of children from school	Further information about raising concerns about exclusion can be found at www.gov.uk/school-discipline-exclusions/exclusions
Whistleblowing	Castle Phoenix Trust has an internal whistleblowing procedure for employees, including temporary and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus Volunteer staff who have concerns about the school should complain through Castle Phoenix Trust's Complaints Policy. You may also be able to complain direct to the DfE depending on the substance of your complaint.
Staff grievances	Complaints from staff will be dealt with in accordance with Castle Phoenix Trust's/the school's internal grievance procedure
Staff discipline / conduct	Complaints about staff will be dealt with under Castle Phoenix Trust/the schools' internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as result of a complaint. However, the complainant will be notified that the matter is being addressed
Complaints about services provided by other providers who use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them directly.

Please see our separate policies for procedures relating to the abovementioned types of complaints.

Arrangements for handling complaints from parents of children with SEN about a school's support are within the scope of this policy. Such complaints should first be made to the special educational needs co-ordinator (SENCO) or the Headteacher; they will then be referred to this policy.

School SEN policies include information about the rights of parents of pupils with disabilities who believe that the school has discriminated against their child.

4. Roles and responsibilities

The complainant

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Co-operate with the school throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed
- Treat all those involved with respect
- Not publish details about the complaint on social media

The investigator

An individual will be appointed to look into the complaint and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the headteacher or complaints committee which includes the facts and potential solutions

Governance Professional

The Governance Professional will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

Committee chair

The committee chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

5. 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 school expects that complaints will be made as soon as possible after an incident arises and no later than three months afterwards. We will consider exceptions to this time frame in circumstances 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.

Complaints about our fulfilment of Early Years Foundation Stage requirements
We will investigate all written complaints relating to a school's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint (see section 9) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing enquiries@ofsted.gov.uk. An online contact form is also available at https://www.gov.uk/government/organisations/ofsted#org-contacts.

6. Stages of complaint

Stage 1: An informal discussion

The school 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. The complainant should raise the complaint as soon as possible with the relevant member of staff or the Headteacher (who may delegate the matter to another member of staff for resolution), either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office.

Complaints at stage 1 should be considered as expeditiously as possible and within a maximum of 10 school days.

If the complaint is not resolved informally, it will be escalated to a formal complaint – stage 2.

We are committed to ensuring that everyone can access the complaints procedure. If you require help to make a complaint due to disability, language, or other needs, please contact the school office or Trust central team. We will make reasonable adjustments to support your participation.

Stage 2: Complaint heard by the Headteacher
The formal stage involves the complainant putting the complaint into writing using the complaint form attached at Annex A, usually to the Headteacher and/or the subject of the complaint. This letter should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

The school will acknowledge the complaint form within five school days. The Headteacher (or other person appointed by the Headteacher for this purpose) will then conduct an investigation, speak to the necessary individuals and take statements from those involved. This could take up to 15 school days. Written records of meetings, telephone calls and other documentation will be kept.

Once the facts have been established, the Headteacher will arrange a meeting with the complainant to discuss the investigation. The complainant will leave the meeting with a letter that explains the outcome of the investigation. This meeting will be held within 25 school days from the date the complaint form was received by the school.

If the complainant is not satisfied with the response and wishes to proceed, they should refer to Stage 3. The complainant should inform the Chair of Governors in writing within 25 school days. Requests made outside of this timeframe will be considered in exceptional circumstances.

If the complaint is against the Headteacher, Stage 2 will be conducted by the Chair of Governors.

If the complaint is against a Governor, Stage 2 will be carried out by the Chair of Governors from another LGB.

Stage 3: Independent Complaint Review Panel
Complaints will be escalated to an Independent Complaint Review Panel if the complainant is not satisfied with the response to the complaint at Stage 2.

The panel will be appointed by, or on behalf of the school, and must consist of at least three people who were not directly involved in the matters detailed in the complaint. At least one panel member must be independent of the management and running of the school. The panel cannot be made up solely of the school's LGB, as they are not independent of the management and running of the school.

The aim of the Independent Complaint Review Panel is to resolve the complaint and achieve reconciliation between the school and the complainant, **however it should be noted that Stage 3 is a review of whether the complaint was handled appropriately, not a re-investigation of the original complaint.**

If you wish to request a panel hearing, please write to the Chair of Governors at the school explaining why you are unhappy. The letter should be sent within 25 school days of receiving the outcome letter from Stage 2. If the letter is received outside the 25 school days, the complaint will be referred back to Stage 1 of this process.

The Head of Central Operations will set up a hearing within 15 school days of receiving the letter and inform the complainant of this in writing. All parties will be given five school days' notice of a hearing. The Complaint Review Panel reserves the right to convene at their convenience rather than that of the complainant.

Where appropriate and with the agreement of all parties, complaint panel hearings may be conducted remotely (via video conference) to support accessibility, participation, and scheduling flexibility.

At the Complaint Review Panel, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting. The complainant must be allowed to attend the panel hearing and be accompanied if they wish. We do not encourage either party to bring legal representation, but will consider it on a case-by-case basis. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by their union. Representatives from the media are not permitted to attend.

A clerk will be appointed by the Panel to take notes of the meeting.

The Panel will have access to the existing record of the complaint's progress (see section 9).

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless required as part of reasonable adjustments. Prior knowledge and consent of all parties attending will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

The panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

The Complaint Review Panel will convene in private, either immediately after the Complaint Review Panel or on a subsequent date and consider all documentation and the representations made to the Complaint Review Panel.

The Complaint Review Panel will consider the complaint and all the evidence presented. The Complaint Review Panel can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the Complaint Review Panel will:

decide on the appropriate action to be taken to resolve the complaint

- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Complaint Review Panel will decide which facts, on balance of probabilities (i.e. more likely than not), are established to be true. If a fact is not deemed relevant, the Complaint Review Panel will not consider it further. The Complaint Review Panel will make a written record of the facts that have been established, detailing those which have not been established and those which are not relevant, together with their reasons for making these findings.

The Complaint Review Panel must then put together its decision, findings and recommendations from the case and confirm the outcome and any recommendations to the complainant, and where relevant, the individual who is the subject of the complaint, as soon as possible, and within 15 school days. This letter will also include details of how to contact the DfE if the complaint is dissatisfied with the way their complaint has been handled.

The decision, findings and any recommendations will also be made available for inspection by the Trust, Local Governing Body or Headteacher.

This represents the conclusion of the Trust's complaints procedure.

Complaints about Senior Leaders or Governance

In some cases, a complaint may relate to a senior leader or a member of the governance structure. The following routes apply:

- Complaints about the Headteacher should be addressed in writing to the Chair of the Local Governing Committee (LGB), via the Head of Central Operations. It will be considered at Stage 2 of this policy as detailed above.
- Complaints about the Chief Executive Officer (CEO), a Trustee, or a member of the Trust Board should be submitted in writing to the Chair of the Trust Board, via the Head of Central Operations.

The complaint will be acknowledged within 5 school days and will confirm if it meets the criteria for escalation to Stage 3, given the seniority of the individuals involved. The complaint bypasses Stage 1 and Stage 2 and proceeds directly to Stage 3, where it will be reviewed by an independent panel. The panel will include at least 3 independent members to ensure fairness and transparency in handling the complaint. The panel will review the complaint, gather evidence, and decide on the appropriate outcome (upheld, dismissed, or other recommendations such as suggested changes in practice).

The complainant and the CEO/Trustee involved will receive written notification of the panel's decision, within 10 school days.

- Complaints about the Chair of the Trust Board should be sent to the Head of Central Operations. The complaint will be acknowledged within 5 school days. The complaint will be escalated directly to Stage 3, with a panel formed that is independent of the Chair of the Trust Board. The independent panel will follow the same review process as described for complaints about the CEO or trustee, ensuring impartiality and transparency. The complainant and the Chair of the Trust Board will receive written confirmation of the outcome, including any actions taken.

- Complaints about a Local Governor should be addressed to the Chair of the Local Governing Committee

via the Head of Central Operations. The complaint will be reviewed at Stage 2 by the LGB Chair, following the standard complaints procedure. If the complainant is dissatisfied with the response, they may escalate the matter to Stage 3 as appropriate.

All such complaints will be handled with the same principles of fairness, transparency, and adherence to the timelines set out in this policy

Withdrawal of Complaints
A complainant may withdraw their complaint at any stage by confirming this in writing. The withdrawal will be acknowledged and the complaint closed. Records will be retained in line with the Trust's data retention policy.

7. Referring complaints on completion of the school's procedure
If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the DfE. The DfE will check whether the complaint has been dealt with properly by the school. The DfE will not overturn a school's decision about a complaint, but will intervene if a school has:

- Breached a clause in its funding agreement
- Failed to act in line with its duties under education law
- Acted (or is proposing to act) unreasonably when exercising its functions

If the Trust or school's complaints procedure is found to not meet regulations, the Trust or school will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:
www.gov.uk/complain-about-school

8. Unreasonable complainants
Castle Phoenix Trust is committed to dealing with all complaints fairly and impartially. We do not normally limit the contact complainants have with our schools 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.

Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the Chair of Governors (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

- The school has taken every reasonable step to address the complainant's needs, *and*
- The complainant has been given a clear statement of the school's position and their options (if any), *and*
- The complainant is contacting the school repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

The school will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, and/or
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- The individual makes insulting personal comments about, or threats towards, school staff

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.

9. Duplicate Complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we had not previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and that the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If a duplicate complaint is raised which in the view of the school warrants further consideration, the procedure outlined in section 6 or 7 (as appropriate) will be repeated.

Complaint campaigns

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all of the complainants

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

9. Record-keeping and confidentiality

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept for three years.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing committee in case a review panel needs to be organised at a later point.

Where the governing committee is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing committee, who will not unreasonably withhold consent.

10. Learning lessons

The Board of Trustees will monitor the level and nature of complaints across the schools and will review any underlying issues raised by complaints where appropriate, and respecting confidentiality, determine whether there are any improvements that the schools can make to its procedures or practice to help prevent similar events in the future.

Annex A: COMPLAINT FORM (Stage 2)

Please complete the form below and return it to the Headteacher's PA at your school, who will acknowledge receipt and explain what action will be taken.

Your name:

Students Name (If applicable):

Your relationship to student (If applicable):

Address:

Postcode:

Daytime Telephone Number:

Evening Telephone Number:

Please give details of your complaint / issue:

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

What actions do you feel might resolve the problem at this stage?

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

Signed: **(Complainant)**

Print name: Dated: