

Complaints Policy and Procedure

Date created: 14/01/2013	Created by: M. Sweeney,	Review period: Bi Annually
Reviewed: June 2018	By Chair	Next Review Due: June 2020

Table of Contents

1. Availability of the Complaints Policy and Procedure	3
2. Complaints Policy and Procedure	3
3. Stage One – informal resolution	4
4. Stage Two – formal resolution	5
5. Stage Three – independent Complaints Panel	5
6. Complaints relating to the Headteacher	7
7. Unreasonable complaints	8
Appendix 1	10
Plymouth School of Creative Arts Complaint Form	10
Appendix 2	12
Plymouth School of Creative Arts complaints flowchart	12
Summary of dealing with complaints	12

Date created: 14/01/2013	Created by: M. Sweeney,	Review period: Bi Annually
Reviewed: June 2018	By Chair	Next Review Due: June 2020

1. Availability of the Complaints Policy and Procedure

1.1 This policy and procedure is available on request to pupils, the parents/carers of pupils and prospective pupils of Plymouth School of Creative Arts (PSCA) as well as any member of the general public. While pupils may themselves raise concerns and complaints under this policy and procedure, PSCA will involve parents should this occur. Copies of this policy are available from the Front Desk or by emailing info@schoolofcreativearts.co.uk.

2. Complaints Policy and Procedure

2.1 This policy and procedure is for the benefit of pupils at PSCA and their parents/carers as well as any member of the general public who may make a complaint about any provision facilities or services that PSCA provides. This policy and procedure will be relied upon in respect of all complaints made by the above against PSCA except in respect of:

- Admissions to PSCA - Concerns should be raised directly with the Admissions team at Plymouth City Council;
- Matters likely to require a Child Protection Investigation - where a separate policy and procedure applies (**Child Protection and Staff Training Policy**);
- Exclusion of pupils from PSCA - where a separate policy and procedure applies (**Exclusions and Appeals Policy**);
- Whistleblowing - where a separate policy and procedure applies (**Whistleblowing Policy**);
- Staff grievances and disciplinary procedures - where separate policies and procedures apply (**Staff Allegations and Grievance Policy & Staff Code of Conduct Disciplinary Procedures**);
- Appeals relating to internal assessment decisions for external qualifications – where a separate appeals procedure applies (**Internal Assessment Appeals Procedures**);
- Personal data breaches – where a separate policy and procedure applies (**Data Protection Policy**);
- Complaints about services provided by other providers who may use school premises or facilities – providers should have their own complaints procedure and should be contacted direct.

2.2 PSCA expects that most concerns can be resolved informally and will use best endeavours to resolve any complaints that are made informally, or any concerns that are raised, on that basis.

2.3 If informal procedures fail to resolve the issue, a formal complaint about any matter, not involving the exceptions listed under 2.1 above, must be made in writing and in the first instance it should be addressed to the Phase Leader. If the complaint relates to a Phase Leader then it should be addressed to the Headteacher. Please refer to section 6 for any complaints made against the Headteacher.

2.4 Every complaint will receive fair and proper consideration and a timely response. PSCA will do all it can to resolve your concern and to ensure you are happy with the education that your child receives at the

Date created: 14/01/2013	Created by: M. Sweeney,	Review period: Bi Annually
Reviewed: June 2018	By Chair	Next Review Due: June 2020

school. Pupils and parents can be assured that all complaints and expressions of concern, whether raised informally or formally, will be treated seriously and confidentially.

2.5 Correspondence, statements and records will remain confidential except in so far as is required by Part 7, paragraph 25(k) of the Education (Independent Schools Standards) Regulations 2010, where disclosure is required in the course of the school's inspection or where any other legal obligation prevails.

2.6 This Complaints Procedure will:

- Encourage resolution of problems by informal means wherever possible.
- Be easily accessible and publicised.
- Be simple to understand and use.
- Be impartial.
- Be non-adversarial.
- Allow swift handling with established time-limits for action and keeping people informed of the progress.
- Ensure a full and fair investigation by an independent person where necessary.
- Respect people's right of confidentiality.
- Address all the points at issue and provide an effective response and appropriate redress, where necessary.
- Provide information to the school's senior management team so that services can be improved.

2.7 PSCA will be clear about the difference between a concern and a complaint and will take concerns seriously at the earliest stage to reduce the numbers that develop into complaints. DfE Guidance published in 2016 defines a concern as "an expression of worry or doubt over an issue considered to be important for which reassurances are sought" whereas a complaint is generally defined as "an expression of dissatisfaction however made, about actions taken or a lack of action".¹

3. Stage One – informal resolution

3.1 It is hoped that most complaints and concerns will be resolved quickly and informally.

3.2 If parents have a complaint they should in the first instance contact their child's Tutor and/or Phase Leader. In many cases, the matter will be resolved straightaway by this means to the parents' satisfaction. If the Tutor and/or Phase Leader cannot resolve the matter alone, it may be necessary for him/her to consult the SENDCo, Deputy Headteacher or Headteacher.

3.3 Complaints made directly to a Deputy Headteacher or Headteacher will usually be referred to the relevant Tutor and/or Phase Leader unless they deem it appropriate to deal with the matter personally.

3.4 The Tutor and/or Phase Leader will make a written record of all concerns and complaints and the date on which they were received. (**See Appendix 1**) These records will be kept for 1 (one) year after the pupil leaves the school.

¹ Best Practice Advice for School Complaints Procedures 2016 -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/489056/Best_Practice_Advice_for_School_Complaints_2016.pdf

Date created: 14/01/2013	Created by: M. Sweeney,	Review period: Bi Annually
Reviewed: June 2018	By Chair	Next Review Due: June 2020

3.5 PSCA will use its reasonable endeavours to resolve any informal complaints within 10 (ten) school days of them being raised, except where they are raised in holiday times or within 2 (two) school days of their commencement where PSCA will use its reasonable endeavours to resolve them as soon as possible after commencement of the new term (usually within 10 (ten) school days).

3.6 Should the matter not be resolved as referred to in paragraph 3.5 above, or in the event that the Tutor and/or Phase Leader and the parents fail to reach a satisfactory resolution, then parents will be advised to proceed with their complaint in accordance with Stage Two of this Procedure.

4. Stage Two – formal resolution

4.1 If the complaint cannot be resolved on an informal basis (as set out in paragraph 3 above), then parents should put their complaint in writing to the Headteacher. Parents should also identify how they wish their complaint to be resolved.

4.2 The Headteacher will delegate responsibility for undertaking investigation of the complaint to a Deputy Headteacher unless he/she deems it appropriate to deal with the matter personally.

4.3 The Headteacher will decide, after considering the complaint, the appropriate course of action to take.

4.4 In most cases, the Headteacher will meet or speak with the parents concerned to discuss the matter. If possible, a resolution will be reached at this stage. The Headteacher will use reasonable endeavours to speak to or meet parents within 10 (ten) school days of the formal complaint being received, except where the complaint is received in holiday time or within 2 (two) school days of their commencement where the Headteacher will use his/her reasonable endeavours to speak or meet with parents as soon as possible after the commencement of the new term (usually within 10 (ten) school days).

4.5 It may be necessary for a Deputy Headteacher to carry out further investigations.

4.6 Once the Headteacher is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made. Parents will be informed of this decision in writing, giving reasons for the decision. Headteacher will use his/her reasonable endeavours to provide the written decision within 10 (ten) school days after speaking or meeting with parents to discuss the matter. The Headteacher may also arrange to meet with parents to explain the decision.

4.7 PSCA will keep a written record of all formal complaints, including records of meetings and interviews held in relation to the complaint), and its decision, which record will be kept for 1 (one) year after the pupil leaves PSCA. This record will state if complaints were resolved at the preliminary hearing or if they were taken to appeal. For the avoidance of doubt, this does not apply to any other documents, which form part of the pupil record and which may contain information that is relevant to the complaint.

4.8 Where parents are dissatisfied with the outcome of PSCA's response to their formal complaint, they can decide to have their complaint considered by an independent Complaints Panel.

5. Stage Three – independent Complaints Panel (Appeal)

Date created: 14/01/2013	Created by: M. Sweeney,	Review period: Bi Annually
Reviewed: June 2018	By Chair	Next Review Due: June 2020

5.1 If parents are dissatisfied with the Headteacher's decision in respect of their formal complaint they may, in writing addressed to the Clerk to the Board of Governors at PSCA, request that their complaint be further considered by an independent Complaints Panel set up for this purpose. This request for further assessment of the complaint will, for the purposes of this procedure, be known as an 'Appeal'.

5.2 Parents must lodge their Appeal in writing and within 10 (ten) school days of the date of the school's decision made in accordance with Stage Two of the Complaints Procedure Policy. The Appeal must contain a list of the complaint(s) made against the school and which the parents believe to have been resolved unsatisfactorily by the Stage Two Procedure, along with the remedies sought in respect of each. The Complaints Panel is only obliged to consider the complaint(s) lodged in this initial Appeal submission although they may use their discretion to consider other relevant and related matters that may subsequently arise.

5.3 The Clerk to the Board of Governors will act as Clerk to the Complaints Panel and provides an independent source of advice on procedure for all parties.

5.4 Once an appeal has been received by the Clerk, he/she will acknowledge the appeal in writing within 5 (five) school days, and inform the parents of the steps involved in the Stage 3 Procedure.

5.5 The Clerk will endeavour to convene an independent Complaints Panel hearing as soon as possible to consider the matter, normally no later than 20 (twenty) school days after receipt of the parents' Appeal, but subject to the availability of the Panel members.

5.6 The independent Complaints Panel will consist of two PSCA Governors who have not previously been involved in the complaint, and one person independent of the management and running of the school. The process used for selecting an independent person will conform to relevant guidance issued by the Department for Education (DfE).

5.7 The following are entitled to attend a hearing, submit written representations and address the Panel

- The parent/s (or, if aged over 18, the pupil) and/or one representative;
- The Headteacher of PSCA and/or one representative;
- The Chair of Governors (if the complaint concerns the Headteacher); and
- Any other interested person whom the Complaints Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the panel in their decision-making.

Legal representation will not normally be appropriate.

5.8 Where the Complaints Panel deems it necessary, it may require that further particulars of the complaint or any related matter be supplied in advance of the hearing. In such cases the Clerk will write to all parties to give them the opportunity to submit written evidence in support of their position, including:

- Documents in support of complaint(s);
- Chronology and key dates relating to complaint(s); and
- Written submission setting out the complaint(s) in more detail.

This evidence will be considered by the Complaints Panel, along with the initial submission that was lodged by the parents.

5.9 Evidence will be initially sent to the Clerk, who will then circulate the documentation to all parties, including the Complaints Panel, along with an order of proceedings. All written evidence must be received by

Date created: 14/01/2013	Created by: M. Sweeney,	Review period: Bi Annually
Reviewed: June 2018	By Chair	Next Review Due: June 2020

the Clerk no later than 7 (seven) school days in advance of the hearing The Clerk will distribute the written evidence to the relevant parties no later than 5 (five) school days in advance of the hearing.

5.10 It is for the Complaints Panel to decide how to conduct the proceedings of the Appeal, which should be reasonably informal so that all parties can present their case effectively. If possible, the Complaints Panel will resolve the parents' complaint immediately without the need for further investigation. Where further investigation is required, the Complaints Panel will decide how it should be carried out.

5.11 After due consideration of all the facts they consider relevant, the Complaints Panel will reach a decision, and may make recommendations, which it shall complete within 10 (ten) school days of the hearing. The decision reached by the Complaints Panel is final.

5.12 Any decision reached that may have financial implications for the school will need the appropriate approval from the relevant authorities e.g. the Board of Governors and school Trust, although any such approval must be compatible with the decision of the Complaints Panel.

5.13 The Complaints Panel's findings will be sent by the Clerk in writing to the parents, the Headteacher, the Board of Governors and, where relevant, the person complained of. The letter will state any reasons for the decision reached and recommendations made by the Complaints Panel.

5.14 The school will keep a record of all appeals, decisions and recommendations of the Complaints Panel, which record will be kept for 1 (one) year after the pupil leaves the school. For the avoidance of doubt, this does not apply to any other documents, which form part of the pupil record and which may contain information that is relevant to the complaint and the appeal.

6. Complaints relating to the Headteacher

6.1 If parents have a complaint against the Headteacher they should contact the Chair of Governors, either by speaking to the front desk staff at PSCA or by sending an email to info@schoolofcreativearts.co.uk (clearly marked for the attention of the Chair of Governors) or by sending a letter to:

Professor Andrew Brewerton
c/o Plymouth College of Art,
Tavistock Place,
Plymouth
PL4 8AT.

6.2 The Chair of Governors will decide, after considering the complaint, the appropriate course of action to take within PSCA procedure.

6.3 In most cases, the Chair of Governors will meet or speak with the parents concerned to discuss the matter. If possible, a resolution will be reached at this stage. The Chair of Governors will use reasonable endeavours to speak to or meet parents within 10 (ten) school days of the complaint being received, except where the complaint is received in holiday time or within 2 (two) school days of their commencement where the Chair of Governors will use his/her reasonable endeavours to speak or meet with parents as soon as possible after the commencement of the new term (usually within 10 (ten) school days).

6.4 It may be necessary for the Chair of Governors to carry out further investigations.

Date created: 14/01/2013	Created by: M. Sweeney,	Review period: Bi Annually
Reviewed: June 2018	By Chair	Next Review Due: June 2020

6.5 Once the Chair of Governors is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made. Parents will be informed of this decision in writing, giving reasons for the decision. The Chair of Governors will use his/her reasonable endeavours to provide the written decision within 10 (ten) school days after speaking or meeting with parents to discuss the matter and he/she may also arrange to meet with parents to explain the decision.

6.6 Where parents are dissatisfied with the outcome to their complaint, they can decide to have their complaint considered by an independent Complaints Panel in accordance with section 5 of this Complaints Procedure Policy.

7. Unreasonable complaints

7.1 PSCA 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 school. 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.

7.2 PSCA 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'*.

7.3 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 complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted 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 large numbers 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 that complaint where the school's complaint procedure has been fully and properly implemented and completed including 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 in person, in writing, by email and by telephone while the complaint is being dealt with.

7.4 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;

Date created: 14/01/2013	Created by: M. Sweeney,	Review period: Bi Annually
Reviewed: June 2018	By Chair	Next Review Due: June 2020

- 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.

7.5 Complainants should limit the numbers of communications with a school while 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.

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

7.7 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 [PSCA](#) causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

7.8 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 [PSCA](#).

Date created: 14/01/2013	Created by: M. Sweeney,	Review period: Bi Annually
Reviewed: June 2018	By Chair	Next Review Due: June 2020

Appendix 1

Plymouth School of Creative Arts Complaint Form

Please complete and return to Tutor/Phase Leader/Headteacher (*please delete as applicable*) who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

.....

Postcode:

Daytime telephone number:

Evening telephone number:

Please give details of your complaint:

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

Date created: 14/01/2013	Created by: M. Sweeney,	Review period: Bi Annually
Reviewed: June 2018	By Chair	Next Review Due: June 2020

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

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

Signature:

Date:

Official use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

Date created: 14/01/2013	Created by: M. Sweeney,	Review period: Bi Annually
Reviewed: June 2018	By Chair	Next Review Due: June 2020

Appendix 2

Plymouth School of Creative Arts complaints flowchart

Summary of dealing with complaints

