

## COMPLAINTS PROCEDURE

### General Principles

All concerns expressed informally will be taken seriously and if possible dealt with immediately to avoid the need for the formal complaints procedure to be followed. Staff receiving concerns or complaints will inform the headteacher in writing of the nature of the concern/complaint and discuss action to be taken.

Complainants should make the school aware of their complaint as soon as possible after the matter or incident has occurred that they wish to complain about. Usually, we would expect complainants to do this within three months of the incident occurring and if they do not contact the school within that time, we will not usually consider a formal complaint. If, however, the complaint relates to a continuing act, then occurrences outside of the three month time limit will usually be considered alongside the more recent occurrence. If complainants feel there are exceptional circumstances that have prevented them from meeting the time limit, they should provide an explanation of these circumstances along with their complaint so that Governors can take them into account. The final decision rests with Governors as to whether your complaint will be considered when it is raised outside of the three month time limit.

All complaints will be investigated fully, fairly (by an independent person where necessary) and carefully. People's desire for confidentiality will be respected wherever possible and complainants will be kept informed of progress during, as well as at the end of, each stage.

The main aim at all stages will be to ensure that either the complaint is settled or that a decision is taken about the complaint and it can then, if required, proceed to the next stage.

We would again emphasise that most matters can be resolved by discussing issues with our staff at the informal stage of our procedure (see below). Regrettably, there are times when complainants raise issues with or about staff in ways which are unacceptable. This can cloud the concern at the heart of the complaint, which may result in the delay or hindrance of a resolution. It can also have an adverse effect on pupils, staff and the effective running of the school.

Examples of behaviours that we consider to be unacceptable are as follows:

- Using abusive or threatening language and/or behaviour.
- Making excessive demands on staff time and resources in pursuit of a complaint, whether in person, by phone, email or letter.
- Harassing individual staff members in a way which appears intended to cause personal distress rather than to find a resolution.
- Refusing to follow the complaints procedure as set out in this policy.
- Persisting in repetitious complaints when these have been previously dealt with under the school complaints procedure.
- Changing the basis of the complaint as the consideration proceeds and/or making unjustified complaints about those trying to deal with the complaint.
- Pursuing unreasonable outcomes which are disproportionate to the nature of the matters in hand.
- Electronically recording meetings, telephone calls and conversations without the prior knowledge and consent of the other persons involved.

The school expects that any person wishing to raise a concern or complaint will:

- Follow the school complaints procedure.
- Treat all members of the school community with courtesy and respect.
- Recognise the time constraints that staff operate under.

It should be noted that complainants do not have an automatic right to enter school grounds and may be banned from entering the school site with immediate effect after an incident where their behaviour towards staff has been verbally and/or physically aggressive.

### **Complaints Procedure**

The day-to-day running of the school is the responsibility of the headteacher. Concerns should be raised initially with the appropriate member of staff, but if they are not resolved to the satisfaction of the complainant they should be put in writing and raised with the headteacher. If complainants are still unhappy with the response they receive they should raise their concerns with the chair of governors. Where a complainant is not a parent of an attending pupil, the complaint will **usually** be considered in the same way as a complaint by a parent.

There are three levels at which a complaint may be considered. These are the informal level, the formal complaint to the Headteacher and the formal complaint to the Governing Body.

#### **Stage 1: Informal Stage**

Most complaints or potential complaints can be best resolved in discussion with the headteacher or other staff at the school. This is where the process should start and, unless there are exceptional circumstances, there should be full discussion at the informal stage as a first step.

**Note** In all cases once the Head or senior member of staff is involved, the aim will be to resolve the matter within ten (10) school days.

#### **Stage 2: Formal Complaint to the Headteacher**

If a complaint is not dealt with to the satisfaction of the complainant at the informal stage, complainants should put the complaint in writing, addressed to the headteacher.

**Note** The headteacher will respond as quickly as possible bearing in mind the urgency of the situation; in any event the headteacher (or a delegated representative) will acknowledge receipt in writing of the complaint within five (5) working school days. After due consideration, within ten (10) working school days, the headteacher will inform in writing the complainant of:

- the decision reached and the reason for it;
- any proposed action.

If it is not possible to deal with the complaint fully within this timescale the complainant will be notified.

#### **Stage 3: Formal Complaint to the Governing Body**

If attempts to settle the complaint at school level have failed, complainants should set out their complaint in writing and submit it to the Clerk to the Governors (c/o the school) or the Chair of Governors (c/o the school). This written notification should make clear exactly

what the complaint is and also make it clear that it is to be formally considered under the procedure for complaints about the curriculum or about collective worship. The Clerk will acknowledge in writing receipt of the complaint within 5 working school days.

The complainant may be dealt with by the Chair of Governors or it may require a panel to be formed, ensuring at least one member of the panel is independent of the management and running of the academy. A panel will normally consist of three governors who have ideally no prior knowledge of the complaint.

Governors will either chose to consider the complaint through written representations or by means of an oral hearing. Normally this will take place within 20 school working days (when school is in session) of receipt of the complaint.

#### Oral representation

A complainant may attend the hearing if they wish and may be accompanied. Reasonable notice will be given to a complainant of the panel hearing date (within 7 10 working school days). Any reasonable request made by the complainant for an alternate date should result in a mutually convenient date being set at the earliest possible time. The Headteacher should attend an oral hearing to be able to respond to the complaint, however it is not appropriate for teachers to attend. If their evidence is required it should be collected by either the Headteacher or by the panel.

Both the Headteacher and complainant are entitled to bring a representative with them if they should wish to. The Clerk of Governors should be notified if this is the case prior to the hearing.

#### Written Representation

If governors do not wish to consider the complaint through an oral hearing, written representation will requested. Should the governors choose to take this approach the Clerk to the Governors will write to the complainant to notify them, outlining the procedure.

The complaint will be forwarded to the Headteacher who will have seven working school days to respond. The response will be then sent to the complainant to comment. They will have seven working school days to respond. That response will then in turn be sent to the Headteacher who will have a further seven school working days to respond and return paperwork to the Clerk to Governors. A final copy will be sent to the complainant with the advice that this is only for their information and no further response will be considered. This is then sent to Complaints Panel for consideration. For avoidance of doubt, all correspondence will be through the Clerk and not sent direct.

Regardless of the method adopted, the Complaints Committee will take a robust approach and consider all evidence submitted. The Committee should have all the necessary evidence they feel is relevant to make an informed decision. The decision of the Complaints Panel should be given to the complainant within 5 working school days of the hearing. The Committee's decision is final.

**If the complainant is not satisfied about the handling of their complaint** by the academy they may contact the **ESFA** via the Schools Complaints Form ([https://form.education.gov.uk/submitform.php?self=1&form\\_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form\\_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1](https://form.education.gov.uk/submitform.php?self=1&form_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1)).

Or complainants can contact the School Complaints Unit at the Department for Education. The team will refer complaints about academies to the Education Funding Agency, which is the arm of the Department for Education which oversees academies. Complainants must make complaints in writing, either by post to: –

School Complaints Unit, Department for Education, 2<sup>nd</sup> Floor, Piccadilly Gate, Manchester, M1 2WD

Or, by using the Department for Education’s online School Complaints form. This can be accessed at:

<http://www.education.gov.uk/b00212240/guidance-on-making-a-complaint-about-a-school/how-to-complain-to-the-department-about-a-school>

You should be aware that the Schools Complaints Unit (SCU) will usually only consider a complaint once the school’s internal processes have been exhausted. The SCU will examine whether the complaints policy and other relevant policies were followed in accordance with the provisions set out. The SCU will also examine whether the school policies adhere to education legislation. The SCU will not usually re-investigate the substance of the complaint.

Please note that, unless your complaint is about the academy’s response or lack of response, your complaint will generally have to be considered first by the governing body of the academy.

*Revised March 2018*