

# COMPLAINTS POLICY

## Rationale

The Academy and its Governing Body aim to establish and promote an effective working relationship with all stakeholders and partners who have an interest in the operation and organisation of the Academy.

Academies are required to have complaints procedures meeting certain requirements by the Education (Independent Academy Standards) (England) Regulations 2014. Academies are required to publish a procedure for the handling of complaints relating to the Academy and to any community facilities and services the Academy provides.

Any third parties who provide a service to the Academy should have their own complaints policy/procedure.

This policy is based on:

1. DfE 'Best Practice Advice for Academy Complaints Procedures 2016' (pub. January 2016)
2. GOV.UK 'Creating an academy complaints procedure' (pub. March 2014 updated January 2015)
3. Education (Independent Academy Standards) (England) Regulations 2014 - Schedule 1 Part 7
4. Education Act 2002 – Section 29

## Definitions

'Concern' – a 'concern' may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'

'Complaint' – a 'complaint' may be generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'

## Introduction

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures and the Academy will make every effort to solve issues in this way. However there are occasions when complainants would like to raise their concerns formally. In these cases, the Academy's formal procedure should be invoked through the stages outlined in this policy.

Any person, including members of the general public, may make a complaint about any provision of facilities or services the Academy provides, unless separate statutory procedures apply (such as exclusions or admissions). The Academy will not limit complaints to parents or carers of children registered at the Academy.

## Aims

- To encourage resolution of concerns/complaints informally wherever possible
- To publish a policy which is easily accessible
- To publish a policy which is simple to understand and to use by all
- To ensure all concerns raised and complaints made are dealt with promptly, thoroughly and fairly within established time-limits for action and to advise all appropriate parties of progress
- To respect people's desire for confidentiality
- To provide information to the Academy and its Governing Body so services can be improved
- To protect the rights of all stakeholders in the raising or receiving of a complaint
- To have a procedure for managing unreasonable/serial/persistent/vexatious complaints

## Implications

Those raising a concern/complaint and those receiving such a concern/complaint must both understand and recognise the processes established to manage the concern/complaint

All staff must be aware of and follow the Academy's Complaints Policy and its Procedures

No actions within this Policy may overrule or jeopardise the procedures covering the employment of staff and procedures relating to Grievance, Complaint or Disciplinary (see Appendix 4 - Complaints Not In Scope)

Agreed by the Governing Body on July 2017

Amended

Implementation to be monitored by Headteacher and by Full Governing Body

To be reviewed: July 2019 (subject to policy change at Academy and Government Level)

# COMPLAINTS PROCEDURE

## PROTOCOLS, PROCESSES AND PROCEDURES

### General Principles

#### Dealing with Initial Concerns/Complaints

The Academy will take the raising of concerns/complaints at the earliest stage in order to resolve the issues as swiftly and effectively as possible. It is envisaged the majority of concerns/complaints will be managed in this way to reduce the need to invoke formal complaint procedures. There are a variety of mechanisms through which a concern/complaint may be raised such as:

- In person
- Phone calls
- Written correspondence (including emails)
- Parents' Evenings
- Tutor Evenings
- Subject Evenings
- Student Planners
- Report Feedback
- Meetings with staff

#### Investigating Complaints

When a concern/complaint is received, actions such as those listed below, will be put into operation; the list is neither exhaustive nor exclusive.

- Establish the nature of the concern/ complaint and actions have occurred to date.
- Establish who has been involved and actions taken by those people if appropriate
- Clarify what areas of the concern/complaint remain unresolved
- Clarify what the complainant feels would put things right
- Interview and/or seek information from those involved in the matter and/or those subject of the concern/complaint
- Seek advice from appropriate outside agencies
- View all concerns/complaints with an open mind
- Keep notes of any actions taken or interviews conducted
- Confirm actions and/or outcomes in writing if appropriate and/or requested

#### Resolving Complaints

The Academy will, following investigation, acknowledge the extent to which the concern/complaint is upheld ie in full, in part or not at all. If acknowledged as being valid to any extent then one of the following actions may be appropriate; the list is neither exhaustive nor exclusive.

- An explanation
- An apology
- An admission the situation may have been handled differently or more effectively (this is not an admission of negligence on the part of the Academy)
- An assurance the Academy will do that is reasonable and within its powers to ensure the cause of the concern/complaint will not occur again (the Academy cannot make guarantees to this effect)
- An explanation of the Academy's steps in respect of the above point
- An undertaking to review the Academy's Policies and Procedures, where appropriate

### **Unreasonable/Serial/Persistent/Vexatious Complaints**

The Academy will do its best to be helpful to people who contact them with a concern/complaint or request for information. However, in cases where the Academy is contacted repeatedly by an individual making the same points, or who asks the Academy to reconsider their position, the Academy will act appropriately.

There will be occasions when, despite all stages of the complaint procedure having been followed, the complaint remains dissatisfied. It is a poor use of the Academy's time and resources to reply to repeated letters, emails or telephone calls making substantially the same points or where it has been established the complaint needs to seek recourse elsewhere.

The procedure for managing such complaints is in Appendix 2

## **Appendix One**

### **Stages of Raising a Complaint**

#### **Stage One**

This is the informal stage. During this stage any concern/complaint will be addressed by the Academy through the most appropriate channel. This may be the one or a combination of the following: Form Tutor, Pastoral Leader, Subject Teacher, Curriculum/Subject Leader, a member of the Leadership Team. Whilst concerns/complaints may be made to the Headteacher, it is likely this will be passed onto to the most appropriate person in the first instance depending on the nature of the concern/complaint.

When a concern/complaint is received by the Academy, a form of acknowledgement of its receipt will be given to you. This form of acknowledgement may take either a verbal or written form; a time scale by which you may receive an initial response will also be indicated. Where possible the Academy will endeavour to provide a response within 48 hours depending on the complexities of the concern/complaint and will ensure you are updated as to progress.

The actions and outcomes will be communicated clearly to you if the Academy is in a position to do so.

Should a concern/complaint be raised with a member of the Governing Body then you will be advised by the Governor to follow the Academy Complaints Policy.

Should you feel dissatisfied with the way in which the concern/complaint has been managed then you may decide to move to Stage Two of the Procedure.

#### **Stage Two**

If you are dissatisfied with the outcome or the way in which the investigation of your concern/complaint was managed then you should complain to the Headteacher in writing giving the reasons for your dissatisfaction. The Academy will acknowledge receipt of your complaint and give an indication of how it will be investigated and a timescale where possible and appropriate. The Headteacher will investigate your complaint in respect of whether the correct processes were followed and the outcome/action was reasonable as a result. This investigation may be delegated to a member of Leadership Team and this will be made clear to you as will the reasons for delegation.

The outcome of the Stage Two investigation will be communicated to you in writing from the Headteacher (or a member of the Leadership Team) or a meeting will be arranged with the Headteacher or appropriate member of the Leadership Team where the outcome will be discussed. Where a meeting takes place, the outcome of that meeting will be communicated in writing.

Where possible, the Academy will arrange a meeting or give a written response within 5 Academy days. If this is not possible then the Academy will advise you as to when you can receive a response; this will depend on the complexity of the investigation.

Should a meeting be held, then the Academy will give a formal written response within 15 Academy days from the date of the meeting.

Should your complaint be about a member of the Leadership Team then this will be investigated by the Headteacher.

Should your complaint be about the Headteacher then this should be addressed to the Chair of Governors who can be contacted via the Academy.

Should your complaint be about a member of the Governing Body then this should be addressed to the Chair of Governors who can be contacted via the Academy.

Should your complaint be about the Chair of Governors then you should complain to the Education Funding Agency (EFA) who consider complaints which fall into the following three categories:

1. Where there is undue delay or the Academy did not comply with its own complaints procedure when considering a complaint
2. Where the Academy is in breach of its funding agreement with the Secretary of State
3. Where the Academy has failed to comply with any legal obligation

The EFA will not overturn the Academy's decision about a complaint. However, if it finds the Academy did not deal with a complaint properly it will request the complaint is looked at again and procedures meet requirements set out in regulations.

**Note:** it would be an expectation that a Stage Two complaint is raised by you as soon as possible and within a three month time frame from the date of raising the original concern/complaint. Only in exceptional circumstances will a complaint be considered outside of this timeframe and you should provide details as to why it should be considered. It will be at the discretion of the appropriate person as to whether it should be investigated based on the reasons given. Each request will be considered on its individual circumstance.

Should you feel dissatisfied with the way in which the complaint has been managed at Stage Two then you may decide to move to the Stage Three of the Procedure.

### **Stage Three**

If you feel that the complaint has not been resolved through the Stage Two procedure then you may write to the Chair of Governors where your complaint is about how the Headteacher has investigated the complaint under Stage Two.

You make it clear as to why you are complaining, who you have already spoken to and what you want to happen as a result.

The Chair of Governors let acknowledge receipt of your complaint within 7 Academy days and then will investigate the complaint in respect of whether the Academy investigation was properly conducted and the outcome/action the Academy reached was reasonable.

The Chair of Governors may decide as part of his investigation to offer you a meeting.

The Chair of Governors will communicate the outcome of his investigation to you within 20 Academy days in writing.

Should your complaint be about the Chair of Governors then you should complain to the Education Funding Agency (EFA) who consider complaints which fall into the following three categories:

1. Where there is undue delay or the Academy did not comply with its own complaints procedure when considering a complaint
2. Where the Academy is in breach of its funding agreement with the Secretary of State
3. Where the Academy has failed to comply with any legal obligation

The EFA will not overturn the Academy's decision about a complaint. However, if it finds the Academy did not deal with a complaint properly it will request the complaint is looked at again and procedures meet requirements set out in regulations.

Should you feel dissatisfied with the way in which the complaint has been managed at Stage Three then you may decide to move to the Stage Four of the Procedure.

### **Stage Four**

You can write to the Clerk to the Governors. You should state the reasons why you are not satisfied with the Chair of Governor's findings and request a Complaints Panel be convened to manage your complaint.

The Complaints Panel will meet within 10 Academy days from receipt of your letter by the Clerk to the Governors. You will told in advance of the process and what will happen in the meeting. You can attend and bring a relative or friend to support you if you wish.

You will be informed in writing about the Complaints Panel's decision within 5 Academy days from the date of the meeting.

Should your complaint be about the Complaints Panel then you should complain to the Education Funding Agency (EFA) who consider complaints which fall into the following three categories:

1. Where there is undue delay or the Academy did not comply with its own complaints procedure when considering a complaint
2. Where the Academy is in breach of its funding agreement with the Secretary of State
3. Where the Academy has failed to comply with any legal obligation

The EFA will not overturn the Academy's decision about a complaint. However, if it finds the Academy did not deal with a complaint properly it will request the complaint is looked at again and procedures meet requirements set out in regulations.

## Appendix 2

### Unreasonable/Serial/Persistent/Vexatious Complaints

The Academy is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. However, the Academy does not expect staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

A complaint may be regarded as unreasonable/serial/persistent/vexatious when the complainant:

- Refuses to articulate the complaint or specify the grounds of the complaint or the outcomes sought by raising the complaint, despite offers of assistance
- Refuses to cooperate with the complaints investigation process while still wishing their complaint to be resolved
- Refuses to accept certain issues are not within the scope of the complaints procedure
- Insists on the complaint being dealt with in ways which are incompatible with the 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 Academy's complaint procedure has been fully and properly implemented and completed including referral to the Education Funding Agency
- Seeks an unrealistic outcome
- Makes excessive demands on Academy time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while their complaint is being dealt with

A complaint may also be considered unreasonable/serial/persistent/vexatious if the complainant does so face-to-face, by telephone or writing or electronically:

- Maliciously
- Aggressively
- Using threats, intimidation or violence
- Using abusive, offensive or discriminatory language
- Knowing it to be false
- Using false information
- Publishing unacceptable information in a variety of media such as social media, websites and newspapers

The Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable/serial/persistent/vexatious' marking

If the behaviour continues the Headteacher/Chair of Governors will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the Academy causing significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan.

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 the Academy.

### **When the Academy will cease to respond**

The Academy will stop responding to an unreasonable/serial/persistent/vexatious complaint once it has taken into consideration the following:

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

The Academy will stop responding if the Academy believes:

1. The Academy has reason to believe the complainant is contacting them with the intention of causing disruption or inconvenience
2. The complainant's letters/emails/telephone calls are often or always abusive, threatening or aggressive
3. The complainant's make personal comments about or threats towards staff or students or other parents/carers

Ultimately, if a complainant persists to the point that the Academy considers it to constitute harassment, legal advice will be sought as to the next steps; these steps may include injunctions and other court orders.

### **When the Academy will bar from Academy Premises**

Although fulfilling a public function, the Academy is a private place. The public has no automatic right of entry. The Academy will therefore act to ensure it remains a safe place for students, staff and other members of its community.

If a complainant's behaviour is a cause for concern, the Academy can ask the complainant to leave the Academy premises. In serious cases, the Headteacher will notify the complainant that their implied licence to be on Academy premises has been temporarily revoked subject to any representations the complainant may wish to make. The Academy will give the complainant the opportunity to formally express their views on the decision to bar in writing.

The decision to bar will be reviewed, taking into account any representations and either lifted or confirmed. If the decision is confirmed the complainant will be notified in writing explaining how long the bar will be in place.

Should the complainant wish to complain about being barred then they can do so by letter or email to the Headteacher or Chair of Governors.

## Appendix 3

### The Complaint Panel and Conduct of Complaints Panel Hearing

#### The Complaints Panel will:

- Consist of three members – two governors and one independent member appointed by the Governing Body
- Not include the Chair of Governors
- Not have any Panel member with an external interest in the outcome of the proceedings
- Not have any Governor with prior knowledge of the complaint or the complainant
- Hear the complaint within the established timeframes
- Hear representations from the complainant and the Academy
- Be open minded and act independently
- Consider carefully whether it is in the welfare and/or best interests of children/young people and vulnerable adults to be called as witnesses.
- Consider the appropriateness of witnesses to be called

#### Conduct of the Hearing

- The date, time and venue of the Hearing will be communicated to all parties by the Clerk to the Governors
- Materials will be collated and sent out to all parties in advance of the Hearing and not less than three days in advance
- All parties will be welcomed by the Chair of the Panel and the order of proceedings explained
- All parties will introduce themselves
- Notes will be taken by the Clerk to the Governors or appointed note taker employed by the Complaints Panel
- The Complainant will explain their complaint
- Any witnesses may be called to give evidence on behalf of the complainant
- Panel members will/may ask questions of the complainant and any witnesses called by the complainant
- The Academy will explain their response to complainant
- Any witnesses may be called to give evidence on behalf of the Academy
- Panel members will/may ask questions of the Academy and any witnesses called by the Academy
- The Complainant and Academy and any witnesses will then leave the meeting
- The Panel will consider the information gathered at the Hearing and give its decision to the complainant and the Academy in writing as soon as possible and within 5 Academy days. The decision will be to uphold or not uphold all or part of the complaint.
- Notes of the meeting will be distributed to all parties as soon as possible after the Hearing

## Appendix 4

### Complaints not in Scope of the Procedure

Exceptions	Who to Contact
<ul style="list-style-type: none"><li>• Admissions to the Academy</li><li>• Statutory assessments of Special Education Needs (SEN)</li><li>• School re-organisation proposals</li><li>• Matters likely to require a Child Protection Investigation</li></ul>	Concerns should be raised direct with Luton Borough Council
<ul style="list-style-type: none"><li>• Exclusion of children from the Academy</li></ul>	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions">www.gov.uk/school-discipline-exclusions</a>
<ul style="list-style-type: none"><li>• Whistleblowing</li></ul>	The Academy has an internal whistleblowing procedure for their employees and voluntary staff
<ul style="list-style-type: none"><li>• Staff grievances and disciplinary procedures</li></ul>	These matters will invoke the Academy's internal grievance procedures. Complainants will not be informed of the outcome of any investigation
<ul style="list-style-type: none"><li>• Complaints about services provided by other providers who may use the Academy premises or facilities</li></ul>	Providers should have their own complaints procedure to deal with complaints about service. They should be contacted directly