

## COMPLAINTS PROCEDURE & POLICY

### Timescales:

We aim to resolve any complaints in a timely manner. Timescales for each stage of the Complaints Procedure are set out below in the relevant paragraphs. For the purposes of this policy, a "working day" is defined as a weekday during term time, when the academy is open. The definition of "working day" excludes weekends and Bank Holidays.

### Policy Aim and Statement

#### Aim:

The aim of this policy is to ensure that a concern or complaint by a parent/carer is managed sympathetically, efficiently and at the appropriate level and resolved as soon as possible. We will try to resolve every concern or complaint in a positive way with the aim of resolving the issue in a transparent manner.

The academy expects that most concerns can be resolved informally and guarantees to treat seriously and confidentially all concerns whether raised informally or formally.

#### Statement:

We need to know as soon as possible if there is any cause for dissatisfaction. We recognise that a difficulty that is not resolved quickly and fairly can soon become a cause of resentment, which could be damaging to relationships and also to our academy culture. We intend that parents and pupils should never feel – or be made to feel – that a complaint will be taken amiss or will adversely affect a pupil or his/her opportunities at the academy. The policy, however, distinguishes between a concern or difficulty which can be resolved informally and a formal complaint which will require further investigation.

### Complaints which are outside the scope of this policy:

Whilst we aim to address all concerns and complaints, there are certain types of complaint in respect of which a statutory procedure exists. The types of complaints for which a statutory procedure exists and are therefore outside the scope of this policy are shown in Appendix F.

## Stage 1: Informal Complaints

### 1. Concerns:

Most concerns, where a parent/carer seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Examples might include dissatisfaction about some aspect of teaching, disciplinary matters or issues outside the classroom.

Parents/carers should raise the concern initially with the Class Teacher or the Headteacher of the Academy concerned as appropriate. The academy will try to ensure that informal complaints are resolved within 15 working days of being raised. These concerns are likely to be raised and resolved verbally or via a meeting.

### 2. Unresolved concerns:

A concern which has not been resolved by informal means within 15 working days from the receipt of the complaint can be notified as a formal complaint in accordance with Stage 2 below.

## Stage 2: Formal Complaints

### 4. Notification:

An unresolved concern under Stage 1, or a complaint which needs investigation, or a more serious dissatisfaction with some aspect of the Academy's policies, procedures, management or administration should ideally be set out in writing with full details using Appendix C and sent with all relevant documents and full contact details for the attention of the Headteacher of the Academy (complaints regarding the Headteacher should go to the Chair of Governors). If the complaint is about the Head Teacher, the Chair of Governors can seek the advice of an external/impartial third party in connection with the complaint. Should a formal written complaint be received by another member of the academy's staff, this should be immediately passed to the Headteacher of the Academy, or Chair of Governors. We will also consider complaints that are made in person or by telephone but it is better for you to have a written record of your complaint. Where you make a complaint in person or by telephone we will try our best to take a written contemporaneous record of your complaint.

### 5. Acknowledgement:

The complaint will be acknowledged in writing normally within 3 working days of receipt during term time and as soon as practicable during the holidays. The acknowledgement will indicate the action that is being taken and the likely timescale for resolution.

### 6. Investigation and resolution:

The Headteacher of the Academy may deal with the matter personally or delegate a senior member of staff to act as "investigating officer." The "investigating officer" may request additional information from the complainant and will fully investigate the issue. In most cases the Headteacher of the Academy concerned or investigating officer will meet or speak with the parent/carer to discuss the matter.

### 7. Outcome:

The aim is to inform any complainant of the outcome of an investigation and the resolution to the complaint within 20 to 30 working days from the receipt of the complaint. Please note that any complaint received during a School holiday or within 30 working days of the end of term or half term may take longer to resolve.

### 8. Record of complaints:

Written records will be kept of any meetings and interviews held in relation to the complaint.

### 9. Unresolved Complaints:

Where the complainant is not satisfied with the academy's response to their complaint they may have their complaint considered by an independent Complaints Panel.

## Stage 3 – Complaint Heard by the Complaints Panel

### 10. Request:

A request by the complainant for a complaint to be heard by a Complaints Panel (an appeal) must be made in writing and within ten (10) working days of the date of the

academy decision made at Stage 2. Requests for an appeal outside of this time frame will be considered impartially and on a case-by-case basis.

**11. Acknowledgement:**

Where an appeal is received, the academy will use its reasonable endeavours to refer the matter to the Clerk to the Complaints Panel within (five) 5 working days. The Clerk will use their reasonable endeavours to acknowledge, in writing, receipt of the appeal within (three) 3 working days and inform the complainant of the steps involved in the process. The Clerk will be the contact point for the complainant.

**12. Panel Hearing:**

The Clerk will aim to convene an Appeal Panel hearing as soon as possible, normally no later than 20 to 30 working days after receipt of the Stage 3 request. The hearing date and time will be set based upon the availability of the panel.

If you reasonably believe that the Appeal Panel will be biased in the proceedings then you have the right to request that an independent panel be convened. The School will consider this request in good faith but the ultimate decision as to whether an independent Appeal Panel is needed rests with the School's Governing Body.

**13. Panel Membership:**

The Panel will consist of two Governors who have not previously been involved in the complaint, and one person independent of the management and running of the academy (the process used for selecting the independent person will conform to relevant guidance – in line with the Best Practice Advice For School Complaints Procedures 2016). The Panel will select its own Chair.

**14. The Remit of the Complaints Appeal Panel:**

The Panel can:

- dismiss the complaint in whole or in part
- uphold the complaint in whole or in part
- decide on the appropriate action to be taken to resolve the complaint
- recommend changes to the academy's systems or procedures to ensure that problems of a similar nature do not recur

The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the academy and the complainant. The panel chair will ensure that the proceedings are as informal as possible.

**15 Attendance:**

The following are entitled to attend a hearing, submit written evidence and address the Panel;

- the complainant (parent/carer or individual that has legitimate grounds to raise a complaint) and/or one representative of the foregoing
- the Headteacher and/or one representative
- any other person who 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

**16 Evidence:**

All parties will be given the opportunity to submit written evidence to the Panel in support of their position including;

- documents
- chronology and key dates
- written statements setting out further detail

The evidence will be considered by the Panel along with the initial submission.

All written evidence must be received by the Clerk no later than five working days in advance of the Panel Hearing. The Clerk will distribute the evidence to the panel no later than three working days in advance of the Panel Hearing.

**17. Roles and Responsibilities****The Role of the Clerk:**

All panels considering complaints must be clerked. The clerk would be the contact point for the complainant and would be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible
- collate any written material and send it to the parties in advance of the hearing
- meet and welcome the parties as they arrive at the hearing
- record the proceedings
- notify all parties of the panel's decisions

**The Role of the Chair of Governors or Nominated Governor:**

- check that the correct procedure has been followed
- if a hearing is appropriate, notify the clerk to arrange the panel

**The Role of the Chair of the Panel:**

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption
- the issues are addressed
- key findings of fact are made
- parents or others who may not be used to speaking at such a hearing are put at ease
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy
- the panel is open minded and acting independently
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- each side is given the opportunity to state their case and ask questions
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

**18. Decision:**

The Panel will reach a decision, and make any recommendations within ten (10) working days of the hearing. The decision reached is final.

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene

where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

**19. Notification of the Panel's Decision:**

The Panel's findings will be sent, in writing, by the Clerk, to the complainant, the Governors and the Headteacher and where relevant, to the person complained about. The letter will state the reasons for the decision reached and any recommendations made by the Panel. If writing is not your preferred method of communication then in addition to sending out the findings in writing we will also invite you to attend a review meeting where these findings can be discussed in person.

**20. Record Keeping:**

The Academy concerned will keep a record of all appeals, decisions and recommendations of the Complaints Panel.

**21. Vexatious Complaints:**

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. Please see Appendix D and E for further details of how such complaints will be dealt with and examples of types of behaviour that will not be tolerated.

**Appendix A: Checklist**

**Checklist for a Panel Hearing:**

The hearing is as informal as possible

Witnesses (if called) are only required to attend for the part of the hearing in which they give their evidence

After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses (if called)

The Headteacher may question both the complainant and the witnesses (if called) after each has spoken

The Headteacher is then invited to explain the academy's actions and be followed by the academy's witnesses (if called)

The complainant may question both the Headteacher and the witnesses (if called) after each has spoken

The panel may ask questions at any point

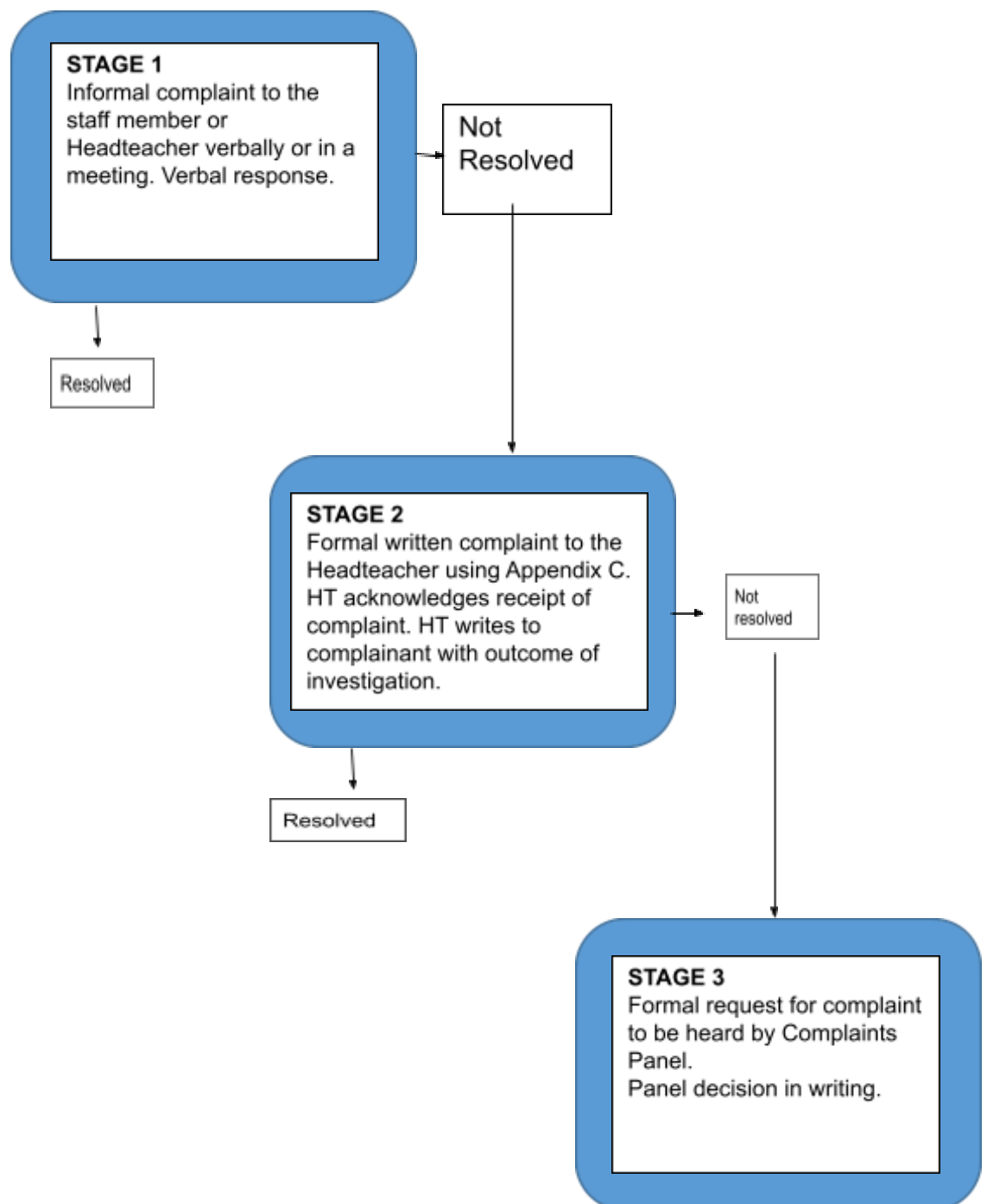
The complainant is then invited to sum up their complaint

The Headteacher is then invited to sum up the academy's actions and response to the complaint

Both parties leave together and the panel decides on the issues

The chair explains that both parties will hear the panel within a set time-scale

**Appendix B: Summary of dealing with complaints**



**Appendix C: Complaint Form**

**ACADEMY - COMPLAINT FORM**

Please return to the Office Manager ( [bursar@woodlandview.northants-ecl.gov.uk](mailto:bursar@woodlandview.northants-ecl.gov.uk) ) who will act as Hearings Clerk, acknowledge receipt and explain the next steps.

**Your Name** .....

**Pupil's name (s)** .....

**Your relationship to the pupil (if relevant)** .....

**Address**

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**Telephone number (day)** .....

**Telephone number (evening)** .....

**Please give brief details of your complaint**

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

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

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

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**Signature ..... (Complainant)**

**Date .....**

## **Appendix D: Policy on unacceptable behaviour**

The Board of Governors recognises that they have a duty to ensure the safety and welfare of pupils, parents and staff.

The Board of Governors is committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who make them. As part of this service it would not normally limit the contact complainants have. However the Board of Governors does not expect the Academy's staff to tolerate behaviour by complainants, which is unacceptable, for example, which is abusive, offensive, or threatening, and it will take action to protect staff from that behaviour. This applies to unacceptable behaviour on any part of the school premises, including the playground.

If the Headteacher considers that a complainant's behaviour is unacceptable the complainant will be told why their behaviour is deemed to be unreasonable and will be asked to change it. If the unacceptable behaviour continues the Headteacher will take action to restrict the complainant's contact with the academy.

### **Unacceptable actions and behaviours**

These are some of the actions and behaviours of complainants which are problematic. It is by no means an exhaustive list and local factors may vary, but these are examples that frequently come to our attention:

- foul and abusive language towards staff, other parents and pupils
- behaviour that staff consider to be harassing and intimidating, including in person, over the telephone, social media or any other type of communication
- undermining school policies by actively encouraging pupils to ignore staff requests
- making unnecessarily excessive demands on the time and resources of staff, by for example excessive telephoning or sending emails to numerous staff, writing lengthy complex letters every few days and expecting immediate responses
- combinations of some or all of these.

The decision to restrict access to our school will be taken by the Headteacher.

Any restrictions imposed will be appropriate and proportionate. The options most likely to be considered are:

- requesting contact in a particular form (for example, letters only);
- requiring contact to take place with a named member of staff;
- restricting telephone calls to specific days and times;
- asking the complainant to enter into an agreement about their conduct.

In all cases we will write to tell the complainant why we believe his or her behaviour is unacceptable, what action we are taking and the duration of that action.

Where a complainant continues to behave in a way which is unacceptable, we may decide to terminate contact with that complainant and discontinue any investigation into their complaint. However the Board of Governors will seek to limit any detriment to any pupils who attend the academy, as far as is reasonable within these circumstances e.g. access to parents' evenings, newsletters, and any other correspondence.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of the academy's staff, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

## **Appendix E: Policy on unreasonably persistent complainants**

The Board of Governors recognises that it is also accountable for the proper use of public money and must ensure that that money is spent wisely and achieves value for complainants and the wider public.

The Board of Governors is committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who make them. As part of this service it does not normally limit the contact complainants have with the academy.

However there are a small number of complainants who, because of their frequent contact with the academy, hinder consideration of their or other people's complaints. Such complainants are referred to as 'unreasonably persistent complainants' and, exceptionally, the Headteacher will take action to limit their contact with the academy so that the complaint concerned can be resolved efficiently.

### **Actions and behaviours of unreasonable and unreasonably persistent complainants**

These are some of the actions and behaviours of unreasonable and unreasonably persistent complainants which are problematic. It is by no means an exhaustive list and factors may vary, but they are examples that may come to our attention:

- refusing to specify the grounds of a complaint, despite offers of assistance with this from the academy's staff
- refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure's scope
- insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice
- making what appear to be groundless complaints about the staff dealing with the complaints, and seeking to have them replaced
- changing the basis of the complaint as the investigation proceeds and/or denying statements he or she made at an earlier stage
- introducing new information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed questions which are particularly time consuming and costly to respond to and insisting they are all fully answered
- electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved
- making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being looked into, by for example excessive telephoning or sending emails to numerous academy staff, writing lengthy complex letters every few days and expecting immediate responses

- submitting repeat complaints, after complaints processes have been completed, essentially about the same issues, with additions/variations which the complainant insists make these 'new' complaints which should be put through the full complaints procedure
- refusing to accept the decision – repeatedly arguing the point and complaining about the decision
- repeatedly cancelling meetings scheduled as part of an investigation at very short notice thus wasting the time of the panel
- repeatedly expecting scheduled meeting dates/ times to be changed without a valid reason or due notice
- combinations of some or all of these.

The decision to restrict access to the academy will be taken by the Headteacher and will normally follow a prior warning to the complainant. Any restrictions imposed will be appropriate and proportionate. The options we are most likely to consider are:

- requesting contact in a particular form (for example, letters only);
- requiring contact to take place with a named member of staff;
- restricting telephone calls to specified days and times; and/or
- asking the complainant to enter into an agreement about their future contacts with us.

In all cases where we decide to treat someone as an unreasonably persistent complainant, we will write to tell the complainant why we believe his or her behaviour falls into that category, what action we are taking and the duration of that action. We will also tell them how they can challenge the decision if they disagree with it. If we decide to carry on treating someone as an unreasonably persistent complainant and we are still investigating their complaint six months later, we will carry out a review and decide if restrictions will continue.

Where a complainant whose case is closed persists in communicating with us about it, we may decide to terminate contact with that complainant. In such cases, we will read all correspondence from that complainant, but unless there is fresh evidence which affects our decision on the complaint we will simply acknowledge it or place it on the file with no acknowledgement.

New complaints from people who have come under the unreasonably persistent complainant's policy will be treated on their merits.

**Appendix F: Complaints Outside the Scope of this Policy**

<b>Exceptions</b>	<b>Who to contact</b>
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs (SEN)</li> <li>• School re-organisation proposals</li> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Concerns should be raised direct with local authorities (LA).</p> <p>For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a> or by writing to:</p> <p>WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD.</p> <p>The Department for Education is also a prescribed body for whistleblowing in education.</p>
<ul style="list-style-type: none"> <li>• Staff grievances and disciplinary procedures</li> </ul>	<p>These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.</p>
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities.</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.</p>