



Bishop Rawstorne Church of England Academy

## Complaints Procedure Policy

*'But the wisdom that comes from heaven is first of all pure; then peace loving, considerate, submissive, full of mercy and good fruit, impartial and sincere'*

*James 3:17*

**FORTITER ET FIDELITER**

*Bravely and Faithfully*

This document and the content contained therein remains the responsibility of the Headteacher, and Governing Body of the Academy. No amendments can be made without their express instruction and they remain the final arbiters in any matters relating to it.

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<b>Reviewed by:</b>	<b>P Rawlinson</b>
<b>Approved by FGB</b>	<b>March 2024</b>

## **THE CHRISTIAN COMMUNITY**

Bishop Rawstorne is a Christian community that delights in seeking wisdom and knowledge, building relationships and character based upon the Word of God, enabling us all to flourish bravely and faithfully.

### **CODE OF CONDUCT IN OUR CHRISTIAN COMMUNITY**

Our aim is to ensure that you feel happy, safe and secure in your school.

*We believe:*

- that every individual in our community is a unique and valuable creation made in the image of God.
- we all have a right to be considered equal, worthy of respect and esteem.
- we all have a responsibility to treat others as we would like to be treated ourselves.

### **STATEMENT OF INTENT**

Bishop Rawstorne Church of England Academy is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. The Headteacher and SLT deal with specific complaints as part of their day-to-day management of the school, in accordance with the school's Complaints Policy. The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant.

However, there are occasions when complainants behave in an unreasonable manner when raising and/or pursuing concerns. The consequences are that the actions of the complainants begin to impact negatively on the day-to-day running of the school and directly or indirectly the overall well-being of the children or staff in the school. In these exceptional circumstances, the school may take action in accordance with this policy. This is reflected in the latter part of the overall policy document.

### **Complaints Procedures**

It should be remembered that all complaints should be recorded on file.

#### **Students:**

It is an obligation to follow up student complaints and to investigate specific allegations where they have been made. It is a necessity to keep a written record of questions asked and procedures followed when looking into a complaint.

#### **Staff:**

Teaching staff have a direct line through their line-managers and the SLT. These complaints may concern the specific behaviour of a student or students or could be related to unprofessional conduct by colleagues. Once again there is a duty for all matters to be fully investigated and recorded. Staff contracts include a grievance procedure and colleagues should remember that there is a staff governor representative. Where a member of staff feels aggrieved with a Senior Leadership

decision, he/she is encouraged to talk to the staff governor representative or any of the other governors initially. Subsequently there is the full grievance procedure included within the contract which can be followed.

### **Parents:**

See the Parental Complaints procedure that follows.

Bishop Rawstone Church of England Academy has long prided itself on the quality of the teaching and pastoral care provided to its students. However, if parents do have a complaint, they can expect it to be treated by the school in accordance with this procedure.

### **Stage 1 - Informal Resolution**

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

An informal complaint is referred to as a concern. Bishop Rawstone Church of England Academy will not log 'concerns' as a complaint. However, the concern will be acted upon by the school. The concern/issue will be investigated and the outcome made known, usually within five working days, to the complainant.

If parents have a complaint they should normally contact their son/daughter's Group Tutor or classroom teacher in the first instance. In many cases the matter will be resolved straight away by this means to the parents' satisfaction. If the aforementioned member of staff cannot resolve the matter alone, it may be necessary for them to consult the relevant Head of Year or Curriculum Leader.

Complaints made directly to a member of SLT, Deputy Headteacher or Headteacher will usually be referred to the relevant Head of Year or Curriculum Leader.

The Group Tutor, classroom teacher, Head of Year or Curriculum Leader will make a written record of all concerns and complaints and the date on which they were received. Should the matter not be resolved within five days or in the event that the school and the parent fail to reach a satisfactory resolution, then parents will be advised to proceed with their complaint in accordance with Stage 2 of this Procedure.

### **Stage 2 - Formal Resolution**

If the complaint cannot be resolved on an informal basis, then the parents should put their complaint in writing to the Headteacher. The Headteacher will decide, after considering the complaint, the appropriate course of action to take.

In most cases, the Headteacher will respond in writing, or, if appropriate, have a telephone conversation with parents or meet with them, normally within five days of receiving the complaint, If possible, a resolution will be reached at this stage. Once the Headteacher is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made and parents will be informed of this decision in writing. The Headteacher will also give reasons for his decision.

It may be necessary for the Headteacher to carry out further investigations.

The Headteacher will keep written records of all meetings and interviews held in relation to the complaint. It may be necessary at this point, at the discretion of the Headteacher, to inform the Chair of Governors of a formal complaint being made.

If parents are still not satisfied with the decision, they should proceed to Stage 3 of this Procedure.

### **Stage 3 - Panel Hearing**

If parents seek to invoke Stage 3 (following a failure to reach an earlier resolution) they will be referred to the Chair of Governors, Mr Andrew Marston, the member of the Governing Body appointed to request the Clerk to the Governors to call hearings of the Complaints Panel.

The matter will then be referred to the Complaints Panel for consideration. The panel will consist of at least three persons not directly involved in the matters detailed in the complaint, one of whom shall be independent of the management and running of the school. Each of the panel members shall be appointed by the Board of Governors. The Clerk to the Governors will then acknowledge the complaint and schedule a hearing to take place as soon as practicable and normally within ten days.

If the panel deems it necessary, it may require that further particulars of the complaint or any related matter be supplied in advance of the hearing. Copies of such particulars shall be supplied to all parties not later than two whole days prior to the hearing.

The parents may be accompanied to the hearing by one other person. This may be a relative, teacher or friend. Legal representation will not normally be appropriate.

If possible, the panel will resolve the parents' complaint immediately without the need for further investigation.

Where further investigation is required, the Panel will decide how it should be carried out. After due consideration of all facts they consider relevant, the Panel will reach a decision and may make recommendations, which it shall complete within ten days of the hearing. The Clerk to the Governors on behalf of the Panel will write to the parents informing them of its decision and the reasons for it. The decision of the Panel will be final. The Panel's findings and, if any, recommendations will be sent in writing to the parents, the Headteacher, the Governors and, where relevant, the person complained about.

Parents can be assured that all concerns and complaints will be treated seriously and confidentially. Correspondence, statements and records will be kept confidential except in so far as is required of the school, including where disclosure is required in the course of the school's inspection; or where any other legal obligation prevails.

### **THE EDUCATION AND INSPECTION ACT 2006**

The Education and Inspections Act 2006 provides all schools with the power to impose 'disciplinary penalties' where students' behaviour falls below the standards which could be reasonably expected

of him/her whether because he/she fails to follow a school rule or an instruction by a member of staff.

The power to impose 'disciplinary penalties' extends to other schools / trips / college / work placements / alternative provision / vocational centres a student may be attending for a particular course and to situations where the student is not on the premises and is not under the lawful control of a member of staff. It also covers penalties for a failure by the student to comply with a penalty previously imposed on him/her.

The Act also makes it lawful for any school to impose a penalty as long as it is not in breach of any statutory requirement or prohibition and it is reasonable.

In determining whether a disciplinary penalty was 'reasonable' it is the school's responsibility to take the following into account:

- Whether the penalty is a proportionate sanction in the circumstances-
- Any special circumstances which are known to the person imposing the penalty including the student's age.
- Any special educational needs, any disability and any religious requirement affecting him/her.

There may be occasions when a student's behaviour and actions require a specific response, which may not appear within this policy.

It is the Headteacher's responsibility and at the Headteacher's discretion, on such occasions, to respond with appropriate sanctions given the nature of the student's behaviour.

"Disciplinary penalties" must not be degrading and must respect Article 3 of the European Convention of Human Rights contained within the Human Rights Act 1998. i.e. "No one shall be subjected to torture or to inhuman or degrading treatment or sanction."

## **COMPLAINTS**

Parents wishing to challenge any sanction imposed by the school will need to contact the relevant Head of Year or Curriculum Leader in the first instance. If there is still disagreement with the decision made by the school, parents should submit their concerns in writing in accordance with guidance in this 'Complaints Procedure Policy' which can also be found on the school website. Any complaint must be made in writing within ten working days of the "incident".

The Senior Leadership Team will then further investigate the issues raised and respond accordingly in writing, at five working days after the receipt of the letter. Working days shall be defined as school days.

- Any correspondence from, or subsequent meetings that may be held in school are to involve ONLY those with parental responsibility.
- Where any incident or complaint involves more than one student, each student will be dealt with separately; this includes any meeting that may take place at school with parents. There will be no joint meetings with the parents of more than one student.

- During any form of communication with the school, be it by telephone, email, letter or face-to-face meetings, no form of aggression or abuse will be tolerated. At that point, the school reserves the right to terminate any further communication other than written correspondence.
- Should any incident within school involve communication with the police, the school will follow the express guidance of the police in terms of how the matter is dealt with and any communication with parents.
- Whilst we appreciate that matters arising may be sensitive or even distressing, we will not provide an immediate response other than an acknowledgment, as we feel this does not provide a thorough, well thought out and measured response that may be required in any final decision made by the Senior Leadership Team.
- Any meetings that take place regarding initial concerns raised or a possible subsequent complaint will be organised at the discretion of the school, taking into account staff availability and appropriate timing for such a matter.
- Should the Complaints Policy process be commenced, then any sanction would be held in abeyance until the process has been exhausted and a final judgement made. If a complaint is not upheld, then the original sanction will be imposed.

## **THE FREEDOM OF INFORMATION ACT**

Under the Freedom of Information Act and the Environmental Information Regulations you have a right to request any recorded information held by a public authority, such as a government department, local council or state school. Environmental information requests can also be made to certain non-public bodies carrying out a public function.

You can ask for any information you think Bishop Rawstorne Church of England may hold. The right only covers recorded information which includes information held on computers, in emails and in printed or handwritten documents as well as images, video and audio recordings.

You should identify the information you want as clearly as possible.

Your request can be in the form of a question, rather than a request for specific documents, but the school does not have to answer your question if this would mean creating new information or giving an opinion or judgment that is not already recorded.

Some information may not be given to you because it is exempt, for example because it would unfairly reveal personal details about somebody else.

You don't have to know whether the information you want is covered by the Environmental Information Regulations or the Freedom of Information Act. When you make a request, it is for the school to decide which law they need to follow.

You can ask for any information you choose, at any time, but you may not always succeed in getting it. Before you make a request, it may help to consider the following questions.

Is the information you want already available, for example, on the school's website? The school must make certain information routinely available. Do this by looking at its website or by contacting the school.

Is the information you want your own personal data?

If your request is for information about yourself, such as your medical records, you should make a subject access request under the Data Protection Act.

Is the school likely to have the information?

It may save you time if you check with the school whether it is likely to have the information you want. For example, you may not be sure whether the information you want is held by your school or the local authority. Public authorities must give reasonable advice and assistance to anyone asking for information, so you should feel free to ask for help in making your request.

Is the information you want suitable for general publication?

The aim of the Freedom of Information Act is to make information available to the general public. You can only obtain information that would be given to anybody who asked for it, or would be suitable for the general public to see.

Some information, such as records about a deceased person, or documents you need for legal purposes, may not always be available under the Act. However, you may have a right to see the information you want under other legislation. The school should advise you.

The school should send you the information within 20 working days of receiving your request. Schools are allowed more time during school holidays. In the case of a request made on the last day of term, the first working day would be the first day of the next term.

The school will tell you when to expect the information if they need more time.

## **MANAGING SERIAL AND UNREASONABLE COMPLAINTS**

**The aims of this policy are to:**

- Uphold the standards of courtesy and reasonableness that should characterise all communication between the school and persons who wish to express a concern or pursue a complaint;
- Support the well-being of children, staff and everyone else who has legitimate interest in the work of the school, including governors and parents;
- Deal fairly, honestly, openly and transparently with those who make persistent or vexatious complaints and those who harass members of staff in school while ensuring that other stakeholders suffer no detriment.

### **Parents Expectations of the school**

Parents/carers/members of the public who raise either informal concerns or formal complaints with the school can expect the school to:

- Ensure that the Complaints policy and this policy are available on the school's website.
- Respond within a reasonable time;

- Be available for consultation within reasonable time limits bearing in mind the nature of the complaint;
- Respond with courtesy and respect;
- Attempt to resolve problems using reasonable means in line with the school's complaints policy, other policies and practice.

### **The school's expectations of parents/carers/members of the public**

The school can expect parents/carers/members of the public who wish to raise concerns with the school to:

- Treat all school staff with courtesy and respect;
  - Respect the needs and well-being of pupils and staff in the school;
  - Avoid any use, or threatened use, of violence to people or property;
  - Avoid any aggression, verbal abuse or other intimidating behaviour;
  - Ensure that written communications state the facts surrounding the concern without using threatening or unpleasant language;
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- Recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond;
  - Recognise that resolving a specific problem can sometimes take some time; (In the case of a complaint) follow the School's Complaints Policy.

### **Who is a persistent complainant?**

For the purpose of this policy, a persistent complainant is a parent/carer or member of the public who complains about issues, either formally or informally, or frequently raises issues that the complainant considers to be within the remit of the school, and whose behaviour is unreasonable. Such behaviour may be characterised by:

- Actions which are obsessive, persistent, harassing, prolific, repetitious;
- Prolific correspondence or excessive e-mail or telephone contact about a concern or complaint;
- Uses Freedom of Information requests excessively and unreasonably;
- An insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes;
- An insistence upon pursuing complaints in an unreasonable manner; An insistence on only dealing with the head teacher on all occasions irrespective of the issue and the level of delegation in the school to deal with such matters;
- An insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example, if the desired outcome is beyond the remit of the school because it is unlawful.

For the purpose of this policy, harassment is the unreasonable pursuit of such actions above, in such a way that they:



- Appear to be targeted over a significant period of time on one or more members of school staff and/or;
- Cause on-going distress to individual member(s) of school staff and/or;
- Have a significant adverse effect on the whole/parts of the school community and/or;
- Are pursued in a manner which can be perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health.

### **The school's actions in cases of persistent or vexatious complaints or harassment**

In the first instance the school will communicate either in writing or verbally (confirmed with a letter) to inform the complainant that his/her behaviour is considered to be becoming unreasonable/unacceptable and, if it is not modified, action may be taken in accordance with this policy. If the behaviour is not modified the school will take some or all of the following actions as necessary, having regard to the nature of the complainant's behaviour and the effect of this on the school community:

- Inform the complainant in writing that his/her behaviour is now considered by the school to be unreasonable/unacceptable and, therefore, to fall under the terms of this policy;
- Inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties;
- Inform the complainant that, except in emergencies, all routine communication with the complainant to the school should be by letter only;
- In the case of physical, or verbal aggression or other forms of intimidating behaviour, take appropriate advice and consider warning the complainant about being banned from the school site; or proceed straight to a temporary ban;
- Consider taking appropriate advice on pursuing a case under AntiHarassment legislation;
- Consider taking advice from the HR/Legal Services about putting in place a specific procedure for dealing with complaints from the complainant, i.e. the complainant will not be able to deal directly with the Headteacher but only with a third person, to be identified by the Governing Body of the school, who will investigate, determine whether or not the concern / complaint is reasonable or vexatious and then advise the Headteacher accordingly.

In the event of extreme situations or events, the school may take the decision to implement one of the above steps immediately. In this situation the complainant will be informed in writing. The Head and SLT will keep the Chair of Governors informed at all times. Legitimate new complaints will still be considered, even if the person making them is, or has been, subject to the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment. However, the school will be advised by the HR / Legal Services. If a complainant's persistent complaining/harassing behaviour is modified and is then resumed at a later date within a reasonable period of time, the school may resume the process identified above at an appropriate level. In these circumstances, advice may be sought from the HR/Legal Services.

Review

The School will review as appropriate, and at a minimum once in a school year, any sanctions applied in the context of this policy.

### **Inclusion**

The school recognises the dignity of every human person because s/he is a child of God, while fostering awareness of the world's poor. Equality of opportunity for every person is therefore paramount and precludes all forms of discrimination on grounds of colour, gender, race, social class or ability. The school aims to nurture the spiritual, intellectual and physical growth of each student through a holistic approach, which takes due note of the needs of every child while, at the same time, striving for excellence in all aspects of education in a secure environment.

We will not normally limit the contact complainants have with our 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.

Bishop Rawstone defines specifically unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- 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
- refuses to accept that 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 they expect to be taken into account and commented on
- 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 and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the

complaint is being dealt with

- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the 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.

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

If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact Bishop Rawstorne causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from Bishop Rawstorne.



**INTERNAL COMPLAINTS LOG STAGE 2**

Complaint reference number: \_\_\_\_\_

Name of Complainant: \_\_\_\_\_

Contact details: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date of Receipt: \_\_\_\_\_

Received by: \_\_\_\_\_

How Received? By form

By email

In writing

Personal visit

By representative (*give details*)

Other

Brief details of Complaint: \_\_\_\_\_

(You may attach additional sheet(s))

\_\_\_\_\_

\_\_\_\_\_

Outcome requested: \_\_\_\_\_

Date of acknowledgement of complaint: \_\_\_\_\_

(*Within time-scale? YES/NO*)

Date of resolution: \_\_\_\_\_

(*Details of Resolution (append relevant papers)*)

Date of confirmation of outcome: \_\_\_\_\_

(*Within time-scale? YES/NO*) \_\_\_\_\_

Other relevant information: \_\_\_\_\_

\_\_\_\_\_

Complainant wishes to proceed to Stage 3? **YES**

Complainant contacted re-opinion of timeliness and fairness?



**ACKNOWLEDGEMENT LETTER – STAGE 2**

Date:

Dear:

RE: \_\_\_\_\_

I am writing to acknowledge receipt of your complaint dated \_\_\_\_\_.

Thank you for taking the trouble to contact us on this matter. I understand that the nature of your concern is \_\_\_\_\_

I have asked \_\_\_\_\_ to investigate this. She/he will attempt to resolve the matter as quickly as possible and may contact you to discuss things further.

You will receive a full response in writing by \_\_\_\_\_ and we will contact you shortly afterwards to confirm that you were satisfied with the way in which we dealt with the complaint.

In the meantime, please do not hesitate to contact me should you require further information on any aspect of our procedures.

Yours sincerely

Headteacher