



Complaints Policy

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The Policy and Procedures for the Handling of Complaints

1. Introduction and Scope

The policy of this Academy is to work in partnership with parents/carers and the wider community. We try hard to do our best for all our pupils/students. Your views help us plan for the future. We like to know when things are going well. We also want parents/carers to tell us about their worries, concerns or complaints as soon as possible. It is much easier for the Academy to sort out a recent problem than something that happened some time ago.

Our commitment to you:

- We will deal with your concern or complaint in a professional manner.
- It will be looked into thoroughly, fairly and as quickly as possible.
- We will keep you up-to-date with what we are doing.
- We will apologise if the Academy has made a mistake.
- We will tell you what we are going to do to put things right.

2. What is a concern or a complaint?

a) A concern or a complaint is defined as:

- Dissatisfaction about the conduct/operation of the Academy.
- The conduct of, actions, or lack of actions by a member of staff/the Governing Body/an individual governor.
- Unacceptable delay in dealing with a matter, or the unreasonable treatment of a pupil or other person.

Concerns or complaints relating to any of the following are not covered by these procedures, as policies relating to these areas have their own individual complaints procedure.

Child Protection

Pupil Exclusions

School Admissions

Sex Education

Staff grievance and discipline procedures

Special Educational Needs and Disabilities

Unauthorised absence fines

Services provided by other organisations on the school site or through the academy.

Note:

- i) Serious complaints or allegations relating to the abuse of children, assault, criminal or financial matters are also subject to separate procedures. The table above is not exhaustive, and separate procedures may exist for other categories.

- ii) For complaints regarding Local Governing Bodies or Directors of the Bay Learning Trust, the Academy will follow the procedures outlined in this policy to resolve the issue.

3. Anonymous Complaints

The Academy will always give consideration to complaints that are brought to its attention. However, anonymous complaints will not normally be responded to.

4. Unreasonable Complaints

There is a right to raise a complaint against an Academy and an expectation that the individual will exhaust the Academy's procedures. If the individual contacts the Academy again with the same issue, this could be seen as unreasonable and the Academy may choose not to respond.

Appendix A sets out the Trust's policy for dealing with serial and unreasonable complaints.

1. The Complaint Procedures: making a complaint

(i) Stage 1 - Informal Stage

If you have a concern about anything we do, please contact the Academy in the first instance.

The relevant procedure for each Academy can be found in the Complaints Policy publicised on that Academy's website.

Most concerns or complaints will be sorted out quickly either by putting things right or by explaining the Academy's actions to you. Your concern will be forwarded to the appropriate person who will respond to you within 5 working days and seek to resolve your concern informally.

The Academy/Governing Body would in most cases hope to resolve concerns and complaints at an informal stage, but the procedures allow for formal consideration of a complaint and a review stage if matters cannot be resolved.

(ii) Stage 2 - Formal Stage

If the complaint is unable to be resolved at the informal stage, the Academy will ask you to put your concerns or complaint in writing and the 'Formal Stage' will commence from the date that the Complaint Form is received by the Academy. Please use the downloadable Complaint Form at the end of this policy to detail your formal complaint and return it to the person specified in the Academy's Complaints Policy.

For concerns regarding the Principal or a governor, the complainant should put the complaint in a sealed envelope marked 'private and confidential' and addressed to the Chair of Governors via the Academy. Under the Data Protection Regulations, the Academy is not permitted to provide the personal details of the Chair of Governors, but the Academy will

forward the envelope to the Chair as soon as possible. Complaints about the Chair of Governors should be put in a sealed envelope marked "private and confidential" and addressed to the Clerk to the Governors.

The Principal will, on receipt of your formal complaint:

(Note: If the complaint is regarding the Principal or a governor, this will be investigated by the Chair of Governors or a nominated governor if the Chair has previously been involved.)

- Acknowledge receipt of the complaint and ensure the complainant receives an up to date copy of the Academy's Complaint Policy and Procedures. It should be clarified what the complainant feels would put things right if it not clear in the correspondence.

(Note: It is acceptable for someone else to write the complaint on behalf of the complainant.)

- Seek advice, as appropriate.
- Inform the member of staff (or governor) if the complaint concerns them and provide them with a copy of the complaint and Academy's Policy and Procedures.
- Arrange for a full investigation of the complaint to take place.
- On receipt of the investigation report, consider what actions need to be taken and whether the complaint is substantiated or unsubstantiated.
- Advise the complainant, in writing, of the outcome of the investigation.

(Note: If the Clerk to the Review Committee does not hear from the complainant within 20 academy days of the notification of the outcome of the investigation, the complaint will be closed.)

The Principal should make a record in accordance with the 'Records Keeping' section of the policy set out below.

The Academy is committed to dealing with complaints as speedily as possible and would plan to complete each stage within 20 academy days. From time to time, it may not be possible to complete the process in that timescale. Where it is not possible, the complainant will be informed of any delays.

Where complaints are made against an individual member of the Academy staff or governor, the individual will be informed of the complaint at the earliest opportunity and certainly before any investigation commences.

(iii) Stage 3 - Complaints Review Panel (parents and guardians of pupils only)

In very exceptional circumstances, where the complaint has not been resolved by the Principal/Chair of Governors at stage 2, the matter will progress to stage 3 and meeting of the Complaints Review Panel will be arranged to review the complaint. The request must be made in writing to the Clerk of the Governors via the Academy's office. The request for the

review must clearly set out the grounds as to which matters remain unresolved from stage 2 and why the complainant is seeking a stage 3 panel hearing.

The Panel shall be constituted with three members, one panel member will be independent of the running and management of the Academy. All panel members will not have had any prior involvement in the complaint during any of the earlier stages of this policy or have any involvement within the subject matter of the complaint.

The Clerk to the Review Panel will convene the Complaints Review Panel. It is not expected to take more than 20 days to convene but the Clerk to the Panel will update the complainant as appropriate. Complainants are entitled to be accompanied at the Panel hearing by:

- a relative;
- a friend; or
- a representative.

In the event that a complainant wishes to be accompanied they must provide prior notice of the individual's identity to the clerk at least 2 days before the panel hearing is scheduled.

The Committee will:

- Consider the written materials;
- Consider the complaint and the Principal's (or Chair of Governor's) action.
- With the Clerk, prepare an Agenda and invite the Principal and/or Chair of Governors, (as appropriate) and the complainant to the meeting.
Note: It is the responsibility of the Principal/Chair of Governors and complainant to secure their own witnesses and neither party can dictate who the other party brings.
- Seek advice and support as necessary.

At the end of their review, the Complaints Review Committee will:

- Determine whether to dismiss or uphold the appeal in whole or part.
- Provide a copy of the determination and any recommendations drawn to all parties involved in the complaint including the complainant, any individuals that are the subject of the complaint and the Principal or Chair of Governors/Directors (as appropriate) that consider the complaint at stage 2.
- Where upheld, decide on recommendations that should be reported to the Governing Body by the Chair of the Review Panel.
- Advise the Principal/Chair of Governors (as appropriate) and the complainant of their findings.
- Advise the complainant of any further action they may wish to take if they remain dissatisfied.

(iv) Stage 3 – complaints from non-parents/guardians

Where a complaint is not satisfied with the outcome at stage 2 they may request the decision to be reviewed at stage 3. It will be reviewed by a local governor or director of the trust (whichever is more appropriate).

The local governor or director considering the complaint at stage 3 may determine, in their absolute discretion, whether they wish to meet with the complainant. There is not entitlement for the complainant to be accompanied and this will only be permitted with the prior agreement of the local governor/director considering the complaint.

Once the complaint has been reviewed, an outcome will be communicated to the complainant, any individuals complained about and the Principal/Chair of Governors/Directors (as appropriate) that considered the complaint at stage 3. The complaint may be upheld or dismissed in whole or in part. The local governor/director will be entitled to make any recommendations following their determination of the complaint.

This concludes the Academy's Complaints Procedure.

Records keeping

Records of concerns and complaints will be kept for monitoring by the Trust and senior leaders for inspection purposes. The records kept will include outcomes, the stage that the complaint was resolved at, any relevant documents and any actions taken as a result of the concern or complaint being raised.

Records will be kept secure and confidential. However, there may be occasions when there is a legal obligation to permit a third party to inspect the records, such as Ofsted or the Secretary of State. It may also need to be provided as evidence to other relevant government departments, agencies and/or in judicial proceedings.

6. Withdrawal of a Complaint

If the complainant wishes to withdraw their complaint at any time, they will be asked to confirm this in writing.

7. The Role of the Local Authority or Diocesan/Church Authority

The role of the Local Authority (LA) (or the Diocesan/Church Authority for church academies) is prescribed by legislation. In responding to complaints about academies, the LA/Diocesan Authority will explain to the complainant:

- That academies are self-managing and are responsible for administering procedures that deal with complaints made against them.
- The appropriate procedures for their complaint and refer them to the Principal, Chair of Governors or Clerk as appropriate.

8. Social Media

Whilst the Academy accepts that complainants have a right to an opinion and make it public through the use of social media, complainants are reminded that they are not entitled to use social media to defame or harass individual staff or governors.

9. Calculation of time

All references in this policy to 'days' should be taken to mean academy working days and therefore will not include weekends, academy holidays or INSET days.

10. Next stage

Complainants who remain unsatisfied with the outcome may refer their complaint to the Secretary of State for Education.

National Helpline: **0370 000 2288**

On line: **www.education.gov.uk/help/contactus**

Or by writing to:

Department for Education,

Academy Complaints Unit

2nd. Floor Piccadilly Gate

Stove Street, Manchester, M1 2WD

The role of the Secretary of State is to review that the Academy has followed their published procedures. The Secretary of State (via the Department of Education) does not facilitate a rehearing of a complaint.

Appendix A

DEALING WITH SERIAL AND UNREASONABLE COMPLAINTS

1 Introduction

The Bay Learning Trust 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 our schools. 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.

Our academies appreciate all feedback, including suggestions, concerns, complaints and compliments. Such feedback is how we know when the Academy does well, and how we know what we need to improve upon.

2 Aims

The aims of this Policy are to:

- 2.1 Uphold the standards of courtesy and reasonableness that should characterise all communication between the Academy and any interested party or complainant
- 2.2 Support the wellbeing of the children, staff and Principal, and any other interested party, including governors and parents
- 2.3 Deal fairly, honestly, openly and transparently with those who make persistent or vexatious complaints

Neither this policy nor the corresponding Complaints Policy will address complaints relating to Child Protection, Exclusions or other complaints for which specific procedures are in place.

3 Parents' Expectations of the Academy

Parent/Carers or other interested parties who wish to raise an informal or formal complaint with the Academy can expect the Academy to:

- Publicise how and when complaints can be raised with the Academy.
- Publicise the Academy's Complaints Procedure Policy on the Academy and Bay Learning Trust websites.
- Respond within a reasonable time.
- Be available for consultation within reasonable time limits, bearing in mind the needs of the pupils and staff within the Academy, and the nature of the complaint.
- Respond with courtesy and respect.
- Attempt to resolve problems using reasonable means.
- Keep complainants informed of progress towards a resolution of the complaints raised.

4 What the Academy expects from complainants

We understand that raising a complaint can be a stressful time, and we are sympathetic to that. However, whilst we believe that all complainants have a right to be heard, understood

and respected, we also believe that Academy staff and governors have the same right. The process for considering complaints is built on a foundation of mutual dignity and respect and we require all parties to hold this in mind throughout the entire process.

We expect a complainant to be polite and courteous, which we find most complainants to be. However, we will not tolerate the small number of complainants who take an aggressive, abusive or unreasonable approach to raising a complaint. We will not tolerate deceitful, abusive, offensive, threatening or other forms of unacceptable behaviour from complainants. When it occurs, we will take proportionate action to protect the wellbeing of our staff and the integrity of our processes.

5 Persistent or Vexatious Complaints and Harassment - Definitions

5.1 The Bay Learning Trust defines unreasonable behaviour as that which hinders its consideration of complaints because of the frequency or nature of the complainant's contact with the Academy, 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 Academy'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 abusive, offensive or discriminatory language or violence.
- Knowingly provides falsified information.
- Publishes unacceptable information on social media or other public forums.
- Insists on only dealing with the Principal, irrespective of the level of delegation in the Academy to deal with such matters.

6 Actions the Academy will take:

6.1 In most instances when the Academy considers someone's behaviour is unreasonable it will explain why and ask them to change it. It will also warn them that, if the behaviour continues, it may take action in line with this policy, and put in place a communication strategy.

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

6.3 Any action that is taken to apply restrictions on the complainant's contact with the Academy or the Bay Learning Trust will be appropriate and proportionate and the complainant will be advised of the period of time the restriction will be in place for. In most cases restrictions will apply for between 3 and 6 months, but in exceptional cases may be extended. In such cases the restrictions would be reviewed on a quarterly or termly basis by a Local Governor or Trustee (as appropriate).

6.4 Restrictions will be tailored to deal with the individual circumstances of the complainant and may include:

- Putting in place a communication strategy to provide one point of contact and/or limit the amount of time the complainant can contact the Academy.
- Banning the complainant from making contact by telephone except through a third party e.g. solicitor/councillor/friend acting on their behalf.
- Banning the complainant from sending emails to individual and/or all Academy employees or governors and insisting they only correspond by letter.
- Banning the complainant from using the Academy premises.
- Banning the complainant from accessing any Academy building except by appointment.
- Requiring any personal contact to take place in the presence of an appropriate witness.
- Letting the complainant know that the Academy will not reply or acknowledge any further contact from them on the specific topic of that complaint (in this case, a designated member of staff should be identified who will read future correspondence).

6.5 When the decision has been taken to apply this policy to a complainant, the Principal will contact the complainant in writing to explain:

- Why the decision has been taken.
- What action is being taken.
- The duration of that action.
- The review process of this policy.

The Principal will enclose a copy of this policy in the letter to the complainant.

6.6 Where a complainant continues to behave in a way that is unacceptable despite attempts to manage the unacceptable behaviour, the Principal, in consultation with the Chair of Governors, may decide to determine the complaint based upon the evidence available to date and bring the complaint to a close.

7 Record keeping

Records will be retained by the Academy detailing:

- The name and address of each complainant who has been subject to this policy.
- What restrictions, if any, were imposed.
- When the restriction came into force and ends.

8 Governance

The Governing Body will be provided with an annual report giving information about complainants who have been subject to this policy.

Complaint Form

Title: Mr/Mrs/ Ms/Dr/Other*
(*please supply)

Surname

Forename(s):

Address

Tel. Home

Tel. Mobile

Postcode

E-mail

How would you prefer us to contact you?

Please give details of your complaint and how you have been affected

What action, if any, have you already taken to try and resolve your complaint?

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

When did you first become aware of the problem?

If it is more than 3 months since you first became aware of the problem, please give a reason why you have not complained before.

Signature of complainant

Date

Signature if you are making a complaint on behalf of someone else

Signature

Date

Please state your relationship with the complainant and why you are making a complaint on their behalf

FOR SCHOOL USE ONLY:

Date acknowledgement sent

By whom:

