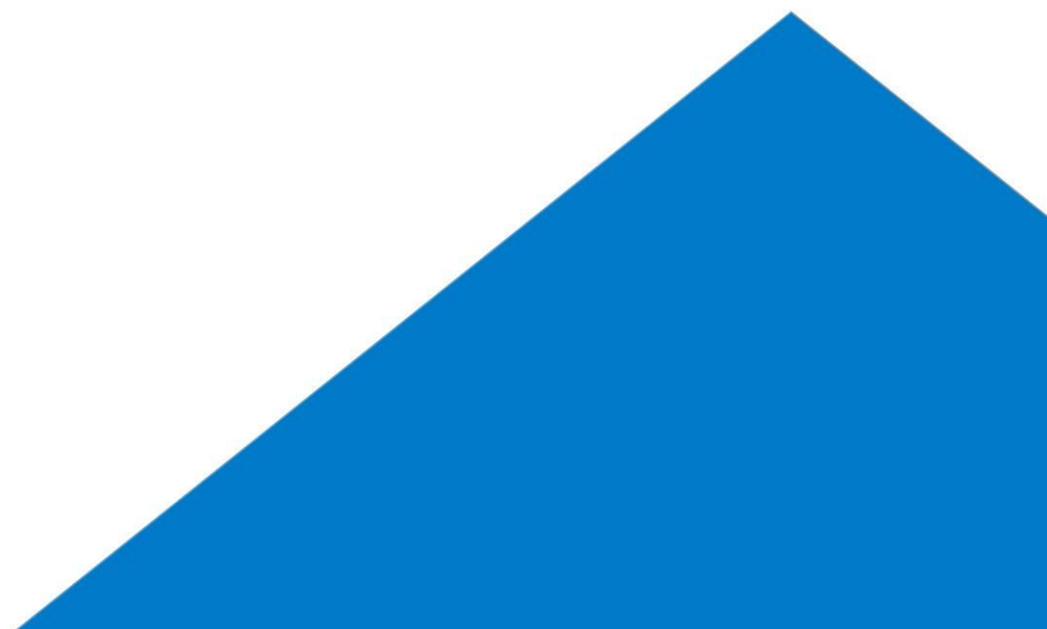




Policy Statement

Dealing with Complaints

- Produced By: J Forster, Clerk
- Ratified By: N Ashton, Principal
- Review Date: As Required



Introduction

The majority of issues raised by parents, the community or learners', are concerns rather than complaints. The Trust is committed to taking concerns seriously, at the earliest stage, in the hope of keeping the number of formal complaints to a minimum and without needing formal procedures. However, depending on the nature of the concern, people may wish or be asked to follow the school's formal complaints procedure. This procedure is available to anyone in our school or local community to use.

The prime aim of The Trust's Complaints Policy is to resolve the complaint as fairly and speedily as possible. Formal complaints will be dealt with in a sensitive, impartial and confidential manner. Malicious complaints may incur appropriate action by the school.

The Principal will keep a copy of all formal complaints made in a complaints log. All middle leaders, either Department Leaders or Key Stage Leaders will also keep a complaints log on any complaints made relating to their area and will pass on a copy of these complaints to the Principal.

Any concerns raised relating to Child Protection and/or Safeguarding will be dealt with as part of the relevant policy.

Policy Aims

The Trust recognises that while every attempt is made to provide a high level of service to all our learners, parents and stakeholders there will be occasions when complaints will arise.

Every effort will be made by staff and the Principal to deal with informal concerns; taking these issues seriously to reduce the situations that develop into formal complaints. This policy will need to be invoked when initial attempts to resolve the concerns are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

This policy aims to provide an effective procedure to identify areas of agreement between the parties and to clarify any misunderstandings that might have occurred, leading to a positive atmosphere in which to discuss any outstanding issues.

For the purposes of this policy a formal complaint will be considered to be either; a concern which cannot be resolved by the pastoral teams, a complaint either verbal or in writing by a member of the public or a written complaint from a parent/carer.

Principles

This policy is intended to:

- encourage resolution of problems by **informal** means wherever possible;
- be easily **accessible** and **publicised**;
- be **simple** to understand and use;
- be **impartial**;
- be **non-adversarial**;
- allow **swift** handling with established **time-limits** for action and keeping people informed of the progress;
- ensure a full and **fair** investigation by an independent person where necessary;
- respect people's desire for **confidentiality** as far as the law allows;
- address all the points at issue and provide an **effective** response and **appropriate**

- redress, where necessary;
- provide **information** to the school's senior leadership team so that services can be improved.

Guidelines for Action

1. Investigating Complaints

On receiving a complaint the appropriate member of staff should:

- establish **what** has happened so far, and **who** has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview.

Where the first approach is made to a governor, the complainant should be referred to the appropriate staff member. Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

2. Resolving Complaints

While investigating the complaint staff should be mindful of ways in which a complaint can be resolved; complainants should be encouraged to state what actions they feel might resolve the problem. It may be sufficient to acknowledge that the complaint is valid in whole or in part and it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- where possible, an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

An admission that the school could have handled the situation better is not the same as an admission of negligence.

3. Time-Limits

Complaints will be considered, and resolved, as quickly and efficiently as possible. However, where further investigations are necessary, the complainant should be informed of the deadline for resolution and given an explanation for the delay.

- **Stage one, informal complaint:**

complaint heard by staff member (though not the subject of the complaint).

If the complainant is not satisfied with the initial response, they should inform the Principal (or nominated representative) of the complaint within 10 Academy working days of the initial response. This should be in writing to ensure that everyone is clear what the focus of the complaint is. If the complaint cannot be resolved with 5 Academy working days of receipt of the complaint (at stage 1) the Principal (or nominated representative) will set a target date for any investigation to be completed.

- **Stage two, formal complaint:**

complaint heard by Principal.

The target date should be no longer than 10 Academy working days. The response to the complainant should be in writing and the complainant advised how to proceed to the next stage if not satisfied with the outcome.

- **Stage three, formal complaint:**

complaint heard by GBs complaints appeal panel.

If the complainant is not satisfied with the response at Stage 2, they should make the Chair of the Governing Body aware of the complaint within 10 academy days of the response from the Principal (or nominated representative). This should be in writing and recorded by the Academy to ensure that everyone is very clear what the focus of the complaint is. Parents/carers will be invited to attend the panel hearing, if they wish, and may be accompanied by a friend or chosen representative.

The Full Governing Body should only be informed that a complaint is being heard – details should be with-held to ensure that the remaining members of the Governing Body are available should the outcome result in any action being taken under other procedures.

Complaints against the Principal will be investigated by the Chair of the Governing Body and the Clerk.

Complaints against a Governor will be investigated by the Chair of Governors or Vice Chair of Governors and the Clerk.

In all cases, following the Governing Body Complaints Appeal Panel hearing all relevant parties; the complainant, Principal and where relevant, the person complained about, will be given a copy of any findings and recommendations.

This is the last stage of the complaints policy.

Serial or Persistent Complaints

If followed properly, the 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. If the complainant tries to reopen the same issue, the Chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

A serial or persistent complainant is not someone who raises legitimate concerns or criticism of a complaints procedure as it progresses, for example, with regards to timescales, nor are they someone who is unhappy with the outcome of a complaint and are seeking to challenge it.

For the purposes of this policy, a persistent complainant is someone whose behaviour is characterised by:

- Frequently complaining about a variety of different things, or the same issue through a number of different channels. While doing this, their actions are obsessive, persistent, harassing, prolific, and/or repetitious;
- Seeking unrealistic outcomes relative to the issue being raised. They state that their intention to persist until that outcome is achieved;
- Insisting upon pursuing valid complaints in an unreasonable manner;
- Persistently making the same complaint with minor differences but never accepts the outcome of any investigation into their complaint;
- Challenging a historical decision/action which cannot be changed;
- Contact with the academy is often frequent, lengthy and complicated;
- Behaving aggressively and provocatively towards the academy and individual members of staff;
- Using unusual methods of emphasis, such as multiple underlining's, putting words in capital letters, and using exclamation marks and inverted commas, as well as extensive use of marginal notes;
- Changing aspects of the complaint or the desired outcome part way through the investigation and/or after the investigation has been completed and a conclusion has been reached;
- Refusing to cooperate with the investigation process;
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted procedure or with good practice;
- Making what appear to be groundless complaints about the staff dealing with the complaint, and seeking to have them replaced by someone more senior or with a person the complainant names;
- Refusing to accept information provided, for no justifiable reason;
- Making statements the complainant knows are not true or persuading others to do so;
- Supplying manufactured 'evidence' or other information the complainant knows is incorrect;
- Raising at a late stage in the process, significant information which was in the complainants possession when he or she first submitted a complaint;
- Raising a large number of detailed but unimportant questions and insisting that they are fully answered;
- Lodging a number of complaints in batches over a period of time, resulting in related complaints being at differing stages of the complaints procedure;
- Pressing for further investigation of matters that have already been addressed;
- Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved;
- Pursuing a complaint or complaints with the authority and at the same time, with a MP/a councillor/police/solicitors/the ombudsman in the hope of getting a different response;
- Using obscene, racist, offensive or threatening language in written or verbal communications;
- Threatening or aggressive or abusive behaviour in direct personal contacts with staff;
- Using the vehicle of valid new complaints to resurrect issues which were included in previous complaints;

- Persistence in sending communications which demand responses, or making telephone calls seeking interview with staff, after the investigation into a complaint has been closed and all rights of review and appeal have been exhausted.

Dealing with Unreasonable Complaints

The academy is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. Kepier will not normally limit the contact complainants have with the academy. 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.

Unreasonable complainants are defined by Kepier as *‘those who, because of the frequency or nature of their contacts with the academy, hinder our consideration of their or other people’s complaints’*.

A complaint may be regarded as unreasonable when the person making the complaint:

- 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 while still wishing their complaint to be resolved;
- Refuses to accept that certain issues are not within the scope of a complaints procedure;
- Insists on the complaint being dealt with in ways which are incompatible with the adopted 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 the complaint where the academy’s complaint procedure has been fully and properly implemented and completed including referral to the Education and Skills 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 the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- Maliciously;
- Aggressively;
- Using threats, intimidation or violence;
- Using abusive, offensive or discriminatory language;
- Knowing it to be false;

- Using falsified information;
- Publishing unacceptable information in a variety of media such as in social media, websites and newspapers.

Complainants should limit the numbers of communications with the academy while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, e-mail or text) as it could delay the outcome being reached.

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

If the behaviour continues the Principal or the Chair of Governors will write to the complainant explaining that their behaviour is unreasonable and either ask them to change this; or for those complainants who excessively contact the academy – causing a significant level of disruption – the complaint will be closed.

In response to any serious incident of aggression or violence, appropriate actions will be taken separately, which may include banning an individual from the academy premises.

4. Governing Bodies Complaints Appeal Panel

If a complaint cannot be resolved by staff, including the Principal, the complainant will be directed to write to the Chair of Governors giving details of the complaint. The Chair, or a nominated governor, will convene a GB complaints panel. See Complaints Appeal Panel Checklist in Annex B. The governors' appeal hearing is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

Individual complaints will not be heard by the whole GB, as this could compromise the impartiality of the panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The governing body will nominate a number of members with delegated powers to hear complaints, as set out its terms of reference; ensuring one member of the panel hearing is independent of the management and running of the Trust. A member of the governing body of the Trust will not qualify as an independent person.

The appeal panel is independent and impartial; no governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. Every effort should be made to ensure that the panel is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation. See roles and responsibilities in Annex C.

The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant; care will be taken to ensure the setting is informal and not adversarial. However, it is recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

Extra care will be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel will be made aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

On hearing the complaint the panel can decide to:

- 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 school's systems or procedures to ensure that problems of a similar nature do not recur.

Notification of the Panel's Decision

The chair of the panel will ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; within five working days of the hearing. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the GB is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

The Education Funding Agency (EFA) will consider complaints that fall into the following three categories:

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

Where the complainant is not satisfied their complaint has been handled properly they can contact the EFA using the schools complaints form which can be found at www.education.gov.uk. The role of the EFA is to check whether the complaint has been dealt with properly, it is not to overturn the Trust's decision about a complaint.

5. Recording Complaints

A central record of complaints will be held by the Clerk; this will record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. At the end of a meeting or telephone call, the member of staff will ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record. Annex D.

Records will be held centrally and remain confidential to the complainant, the Panel, the Police and HMI upon request.

6. Governing Body Review

The GB will monitor the level and nature of complaints and review the outcomes on an annual basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole GB will not name individuals.

7. Publicising the Policy

Details of the policy will be included in:

- the school website.

8. Conduct

It is the expectation of The Trust that all staff and Governors involved in dealing with complaints will act in a professional manner at all times and make the utmost effort to ensure an acceptable resolution to the complaint. It also expects that the conduct of the complainant towards The Trust staff will be reasonable and measured. If the Principal or Chair of the Governor Panel deems the conduct of the complainant to be unreasonable, actions will be taken to address this with the complainant. These could include telephone calls, face to face meetings or correspondence with the complainant.

Section 29 of the Education Act 2002 requires that:

- (1) The governing body of a maintained school (including a maintained nursery school) shall –
 - (a) establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints falling to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and
 - (b) publicise the procedures so established.
- (2) In establishing or publicising procedures under subsection (1), the governing body shall have regard to any guidance given from time to time (in relation to England) by the Secretary of State.

Section 39 of the Education Act 2002 provides the following:

“maintained school” means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;

“maintained nursery school” means a nursery school which is maintained by a local education authority and is not a special school;

Checklist for a Panel Hearing

The panel will take the following points into account:

- The hearing is as informal as possible.
- Witnesses 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.
- The Principal may question both the complainant and the witnesses after each has spoken.
- The Principal is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Principal and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Principal is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within a set time scale.

Roles and Responsibilities

The Role of the Clerk

The clerk will be the contact point for the complainant and 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 decision.

The Role of the Chair of the Governing Body or the Nominated Governor

The nominated governor role:

- 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 and 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.

Kepier Complaint Form

Please complete and return to the Clerk to the Governors who will acknowledge receipt and explain what action will be taken.

Complainant:
Learner's name (where applicable):
Relationship to the learner (where applicable):
Complainant Contact Address: Postcode: Day time telephone number: Evening telephone number:
Details of the complaint.
What action, if any, has already been taken to try and resolve the complaint?
What actions do you feel might resolve the problem at this stage?

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

Signature of complainant:

Date:

Member of staff:

Date:

Date received by Clerk:

Date acknowledgement sent:

Complaint referred to:

Date:

Action Taken:

Complaint Resolved:

Signed:

Date:

Referral to Governing Bodies Complaints Appeal Panel

Date:

Outcome:

Paperwork Attached:

Complainant Informed: