

School Concerns and Complaints Procedure



January 2020

1. General Principles:

- This procedure is intended to facilitate the raising of a concern or complaint relating to the school, or the services it provides.
- Complaints will be dealt with in a timely manner.
- An anonymous concern or complaint will not be investigated under this procedure, other than in exceptional circumstances.
- To enable a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. In general, any matter raised more than 3 months after the event being complained of will not be considered.

2. Aims:

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. Doing so is good practice, it is fair to those concerned and it helps to promote parents/carers' and pupils' confidence in our ability to safeguard and promote welfare. 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. It may be the case that the provision or clarification of information will resolve the issue. The Public Sector Equality Duty will be met by ensuring that complaints may be submitted via means other than the conventional written approach if necessary.

3. Legislation and Guidance

This policy has due regard to statutory legislation, including, but not limited to, the following:

- The Education Act 2002
- The Freedom of Information Act 2000
- The Immigration Act 2016
- The Equality Act 2010
- The General Data Protection Regulation (GDPR)
- The Data Protection Act 2018
- The Education (Independent School Standards) Regulations 2014

This policy also has due regard to guidance including, but not limited to, the following:

- DfE (2019) 'Best practice guidance for school complaints procedures 2019'
- ESFA (2015) 'Creating an academy complaints procedure'
- HM Government (2016) 'Code of Practice on the English language requirement for public sector workers'

This policy applies to all concerns and complaints other than:

- Admissions
- Statutory assessments of special educational needs and disability (SEND)
- Safeguarding matters
- Exclusion

- Whistle-blowing
 - Staff Code of Conduct
- where separate procedures apply.

Arrangements for handling complaints from parents of children with SEND about the school's support are within the scope of this policy. Such complaints should first be made to the SENDCo; they will then be referred to this complaints policy. Our SEND Policy and report includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

Raising a concern or complaint

1. Informal stage

It is expected, encouraged and normally appropriate to communicate directly with the member of staff concerned. This may be by letter, by telephone or in person by appointment, requested via the school office. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most concerns will be resolved by this process at the informal stage.

In the case of a serious concern, it may be appropriate to address this directly to the Principal (or, should it relate to the Principal, then it may be appropriate to address this directly to the Chair of Governors).

If there is uncertainty as to who to contact, advice should be sought through the School Office.

2. Formal Stage

If a concern or complaint is not resolved to your satisfaction using the procedure outlined within the 'Informal Stage', explained above, then you may request a complaint form from the School Office. The form is then used to put the complaint in writing before passing it to the Principal, who will ensure that it is investigated appropriately (or, if it relates to the Principal, it should be passed to the School Office marked 'for the attention of the Chair of the Governing Body').

The information on the form should include details which might assist in the subsequent investigation such as names of potential witnesses, dates and times of events and copies of any relevant documents.

It is very important to make a clear statement as to the **actions** you would like the academy to take to resolve your concern. Without this, it is difficult to proceed. The completed form should be passed, in a sealed envelope, to the School Office. The envelope should be addressed to the Principal, or to the Chair of the Governing Body, as appropriate.

The Principal (or Chair) may invite you to meet with them to clarify your concerns and to explore the possibility of informal resolution. If you accept the invitation to that meeting, you may be accompanied by a friend, if you wish, to assist you in explaining the nature of your concerns.

It is possible that, through such a meeting and the pursuit of an informal resolution with the Principal (or Chair) that the matter can be concluded to everyone's satisfaction. If not, then arrangements will be made for the matter to be formally investigated, using the appropriate procedure. In either event, the complainant will be informed in writing, usually within 5 school days from receipt of the complaint form, of how the academy intends to proceed.

In the event that a complainant is not satisfied with the manner in which the above process has been followed, a request may be made asking that the Governing Body reviews the process that was followed by the academy, in handling the complaint. Any such request must be made using a 'Review Request' form which is obtainable from the School Office. The form must be addressed to the Clerk to the Governing Body and delivered to the School Office, within 10 days of receiving notice of the outcome of the formal stage. Within the form, the complainant should include a statement specifying any perceived failure to follow the complaints procedure.

Review Process

Any review of the process followed by the academy will be conducted by a panel of 3 members of the Governing Body plus a panel member who is independent of the management and running of the Academy. This will usually take place within 10 school days of the request having been received at the School Office.

The review will be conducted through a consideration of written submission, but requests to make oral representations will be considered. The review process is non-adversarial meaning that the panel will not hear the case being presented by either party in the presence of the other party.

Governing body meetings

a. Complaints Panel

If the academy receives a formal complaint about one of the limited number of matters that is not dealt with by another statutory process, it may be necessary to convene a governing body panel to consider the matter and formulate a response.

The complaint is likely to relate to matters such as:

- The content or the application of a governing body policy;
- Academy facilities;
- Services that the academy provides.

If a governing body committee already has delegated power with respect to a policy that is being complained of, a panel of members from that committee should be convened. Otherwise, the clerk should convene a panel of 3 governors who have not previously been involved with the complaint.

The complainant should submit the details of their concerns, in writing, to the clerk. The clerk will seek similar written responses from the academy, where this is necessary.

A meeting of the panel will take place, usually within 10 school days, to consider the matter. The complainant (who may be accompanied by a friend if they wish) and representatives from the academy (who may also be accompanied by workplace colleagues and/or representatives from their professional associations) may be invited to attend this meeting in order to clarify the matter. As the panel meeting is intended to be investigatory, rather than adversarial, the persons giving evidence or making representation to the panel will attend separately.

When the panel has collected sufficient information, it will deliberate and then inform the complainant, the Principal and the Governing Body of the outcome, in writing.

Consideration of the complaint by the Governing Body and the academy, save for any actions that are agreed, will terminate at this point.

If the complainant is not satisfied that the appropriate procedure has been followed, they may request a review of that process by another panel of the governing body.

b. Review Meeting

Any reviews of the process followed by the academy will be conducted by a panel of 3 members of the Governing Body plus a panel member who is independent of the management and running of the academy. This will usually take place within 10 school days of receipt of a written request.

The review will normally be conducted through a consideration of written submissions, but reasonable requests, from any of the parties, to make oral representations should be considered sympathetically.

The panel will first receive written evidence from the complainant.

The panel will then invite representatives of the school (usually the Principal or the Chair of the Governing Body Panel that has considered the matter) as appropriate, to make a response to the complaint.

The panel may also have access to the records kept of the process followed. The complainant and the academy representative(s) will be informed in writing of the outcome, usually within 5 school days of the panel meeting.

The matter will then be closed as far as the academy is concerned.

Vexatious Complaints

If a complainant is unwilling to accept the outcome of the process, they can refer to matter to the Secretary of State whose powers are delegated to the School Complaints Unit (SCU). The SCU will only consider cases in which the governing body has acted unlawfully or unreasonably. It will only overturn a decision in extreme circumstances. If it decides that a school has not followed its published procedures it has the power to direct that the process is re-visited.

Should the complainant continue to make contact on the same issue, the Chair of Governors has the power to inform them that the process is complete and the matter is therefore closed.

The DfE refers to 'serial' or 'persistent' complaints.

Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the chair of governors (or other appropriate person in the case of a complaint about the chair) will inform the complainant that they matter is closed.

If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

- The school has taken every reasonable step to address the complainant's needs, and

- The complainant has been given a clear statements of the school's position and their options (if any) and
- The complainant is contacting the school but making substantially the same points each time.

However this list is not intended to be exhaustive.

The school will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, and/or
- The individual's letters / emails / telephone calls are often or always abusive or aggressive, and/or
- The individual makes insulting personal comments about, or threats towards, school staff.

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The school will ensure when making this decision that complainants making any new complaint were heard, and that the school acts reasonably.

Harassment

The school will follow the DfE guidance that suggests that schools should seek legal advice if they think that persistent contact by a complainant is harassment.

Reid Street policy for Handling Unreasonably Persistent, Harassing or Abusive Complainants

The Principal and Governing Body are fully committed to the improvement of our academy. We welcome feedback from Parents/Carers and will always try to resolve any concerns as quickly as possible. There is a procedure to use if they wish to make a formal complaint. The Governing Body recognises that it is the last resort for complainants. They also have a duty to ensure the safety and welfare of pupils. Parents and staff.

The Governing Body 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. Sometimes, however, Parents/Carers pursuing complaints or other issues treat staff and others in a way that is unacceptable. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour towards any members of the academy community.

The aim of this leaflet is to provide information about the academy's policy on unreasonably persistent complainants or harassment of staff.

What do we mean by 'an unreasonably persistent complainant'?

An unreasonably persistent complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include persons who pursue complaints in an unreasonable manner.

Unreasonable behaviour may include:

Actions which are

- Out of proportion to the nature of the complaint, **or**
- Persistent – even when the complaints procedure has been exhausted, **or**
- Personally harassing, **or**
- Unjustifiably repetitious, **or**
- Unnecessarily, excessively demanding on the time and resources of staff - for example excessive telephoning or sending emails, writing lengthy letters expecting immediate responses, etc. **or**
- Undermining of school policies (for example actively encouraging pupils to ignore staff requests), **or**
- ‘scattergun’ in their approach: pursuing a complaint or complaints with the academy and, at the same time, with a Member of Parliament / a councillor / the Local Authority / local police/ solicitors / OFSTED, **or**
- A violation of rights – for example electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.

An insistence upon

- Pursuing unjustified complaints **and/or**
- Unrealistic outcomes to justified complaints; **or**
- Pursuing justifiable complaints in an unreasonable manner (e.g. using abusive or threatening language); **or**
- Making complaints in public or via a social networking site such as Facebook; **or**
- Refusing to attend appointments to discuss the complaint.

(To be used in the form of a leaflet to be sent out to an individual Parent/Carer under appropriate circumstances).

What is ‘harassment’?

We regard harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than to seek a resolution.

Behaviour may fall within the scope of this policy if:

- It appears to be deliberately targeted at one or more members of staff or others, without good cause.
- The way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes undue distress to academy staff or others;
- It has a significant and disproportionate adverse effect on the academy community.

What does the academy expect of any person wishing to raise a concern?

The academy expects anyone who wishes to raise concerns to:

- Treat all members of the academy community with courtesy and respect;
- Respect the needs of pupils and staff within the academy;
- Avoid the use of violence, or threats of violence, towards people or property;
- Recognise the time constraints under which members of staff work and allow the academy a reasonable time to respond to a complaint;
- Follow the academy's complaints procedure.

The academy's responses to unreasonably persistent complaints or harassment

This policy is intended to be used in conjunction with the academy's complaints procedure. Taken together, these documents set out how we will always seek to work with Parents, Carers and others with a legitimate complaint to resolve a difficulty.

However, in cases of unreasonably persistent complaints or harassment, the academy may take some or all of the following steps, as appropriate:

- Inform the complainant informally that his/her behaviour is now considered by the academy to be unreasonable or unacceptable, and request a changed approach.
- Inform the complainant in writing that the academy considers his/her behaviour to fall under the terms of the Unreasonably Persistent Complaints / Harassment Policy;
- Require all future meetings with a member of staff to be conducted with a second person present. In the interests of all parties, notes of these meetings may be taken;
- Inform the complainant that, except in emergencies, the academy will respond only in written communication.

Physical or verbal aggression

The Governing Body will not tolerate any form of physical or verbal aggression against members of the school community. If there is evidence of any such aggression, the academy may:

- Ban the individual from entering the site, with immediate effect;
- Request an Anti-Social Behaviour Order (ASBO);
- Prosecute under Anti-harassment legislation;
- Call the police to remove the individual from the premises, under powers provided by the Education Act 1996.

Legitimate new complaints will always be considered, even if the person making them is (or has been) subject to the Unreasonably Persistent Complaints / Harassment Policy. The academy nevertheless reserves the right not to respond to communications from individuals in accordance with the Unreasonably Persistent Complaints / Harassment Policy.

Governor approval and review dates

Approved February 2020

To be reviewed annually