

Forest Academy
&
Elveden Church of England Primary
Academy



Complaints Policy

Date Completed: January 2021

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Review Date: January 2024

This policy is directly in line with guidance from the Department of Education and must be followed in all cases.

Since 1 September 2003 governing bodies of all schools in England have been required, under Section 29 of the Education Act 2002, summarised in Annex A, to have in place a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides. This does not limit complainants to parents or carers of pupils registered at a school. A complainant could be a member of the wider community or representing an ex-pupil. The law also requires the procedure to be publicised.

Note: a guidance document for parents on making complaints does not satisfy the legislative requirement for schools to have a procedure to deal with all complaints. A separate and distinct policy must be in place. Schools are free to adopt LA recommended policies as long as they have been personalised to the individual school.

Dealing with Complaints – Initial concerns

Schools need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

These key messages deal with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher will receive the first approach.

The school will seek to resolve all complaints through the informal stages but depending on the nature of the complaint, there may be a need to follow the school's formal complaints procedure. The complaint will not be investigated if the parent does not have a child at the school, and will not be investigated if the complaint is brought more than 1 month from the original incident.

The prime aim of the 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 made by parents or the community or members of staff may incur appropriate legal action by the school.

We take any complaints about our collection and use of personal information very seriously. If you think that our collection or use of personal information is unfair, misleading or inappropriate, or have any other concern about our data processing, please raise this with us in the first instance by contacting the school office or **Katie Handshaw** on data.protection@schoolschoice.org

Alternatively, you can make a complaint to the Information Commissioner's Office:

- Report a concern online at <https://ico.org.uk/concerns/>

- Call 0303 123 1113

- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Elveden Academy and Forest Academy's Complaints Policy has four main stages. In summary these are as follows:

Stage 1- A concern is raised informally with a staff member

Stage 2- Formal complaint is heard by the Senior Leadership Team (SLT)

Stage 3- Complaint is heard by the Headteachers

Stage 4- Complaint is heard by the Governing Body's Complaints Appeal Panel.

Time limits

Every effort will be made to keep to the stated timescales. However if the complaint requires additional time to investigate thoroughly, you will be notified of the change in timescales.

Vexatious Complaints

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 Governing Body has a policy regarding vexatious complaints/ harassment (appendix1) and will act according to this policy

Stage One: Complaint Heard by Staff Member

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, if staff are made aware of the procedures, they know what to do when they receive a complaint.

In most cases the first person to speak to will be the class teacher. The class teacher may refer the complainant to another staff member if appropriate.

Please do not arrive at the school expecting to be seen by a member of staff as they are very likely to be teaching. Please make an appointment to see the class teacher. This will ensure sufficient time is allocated to listen carefully to your concerns. The matter may be able to be resolved through this discussion or may require the teacher to investigate or discuss with others. If this is the case, you will receive an informal but informed response within a day or two.

The majority of concerns will be satisfactorily dealt with in this way. However, if you are not satisfied with the outcome at stage 1, please write to the school within 10 school working days and state why you do not think that the concern has been dealt with to your satisfaction. The school will then look at your complaint at the next stage.

Stage Two: Complaint Heard by Senior Leadership Team (SLT)

Formal complaints shall be put in writing and addressed by the SLT. The names of these staff can be found on the school website. The complaint will be logged on CPOMs including the date received and the school will acknowledge receipt of the complaint within 3 working days. In many cases this response will also report on the action the school has taken to resolve the issue. Alternatively, a meeting may be convened to discuss the matter further. This meeting will take place within 10 school working days from receiving the complaint and it being logged. The aim will be to resolve the matter as speedily as possible. However, if you are not satisfied with the result at stage 2, please write to the school within 10 working days of getting our response. You will need to inform the school of your reasons why you do not think that the concern has been dealt with to your satisfaction.

Stage Three: Complaint heard by the Headteachers

If the matter has not been resolved at Stage 2, the Headteachers will arrange further investigation. Following the investigation, they will give a written response within 14 working days of being notified that the complainant feels that the matter was not satisfactorily resolved at Stage 2. If you are dissatisfied with the result at stage 3, you should let the school know within 10 working days of getting the response, again giving your reasons why.

Stage Four: Complaint Heard by Governing Bodies Complaints Appeal Panel

If the complaint has not been resolved at Stage 3, you should write to the **Co-Chair** of Governors at the school address, giving details of the complaint. The **Co-Chair**, or a nominated governor, will convene a GB **meeting**.

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

The panel will comprise of, three people who have not been directly involved in the matters detailed in the complaint. The hearing will normally take place within 10 working days of the receipt of the written request for a stage 4 investigation. Parents will be invited to attend the hearing and they will be informed they are allowed to be accompanied if they wish. The aim of the Panel is to impartially resolve the complaint and to achieve reconciliation between the school and the complainant. All parties will be notified of the Panel's decision in writing within five school working days after the date of the hearing.

The outcomes, findings and recommendations of the Panel will be available for inspection on the school premises by the proprietor (Governing Body and Trustees) and the Headteachers.

The letter will explain if your complaint is entitled to further investigation by any other body, or whether you have the right to take this matter to any other official body and if so, to whom they need to be addressed.

The governors' appeal hearing is the last school-based stage of the complaints process

Complaints about the conduct of the Headteacher.

In cases where the matter concerns the conduct of the Headteacher, the Headteacher and **Co-Chair** of Governors must both be informed in writing of your complaint. The **Co-Chair** will arrange for the matter to be investigated as at Stage Three of the formal procedure. The **Co-Chair** will give a written response within 14 working days from receiving the

complaint and it being logged. If you are dissatisfied with the result the complaint will be referred to the Complaints Appeal Panel as at Stage 4 above.

All correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of state or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

Following the outcome of stage 4 of this procedure, complaints regarding Academies may be considered by the ESFA only in specific circumstances shown below:

The ESFA can only look at complaints about academies that fall into the following two areas.

- a. The academy did not comply with its own complaints procedure when considering a complaint or the academy's complaints procedure does not comply with statutory requirements**

The ESFA cannot review or overturn an academy's decisions about complaints but will look at whether the academy considered the complaint appropriately. The ESFA will generally only do this after a complaint has been through the academy's own procedure but may investigate sooner if there is evidence of undue delays by the academy. If the ESFA finds that an academy did not deal with a complaint appropriately it will request that the complaint is reconsidered. Similarly, if the academy's complaints procedure does not meet statutory requirements then the ESFA will ensure this is put right.

- b. The academy has failed to comply with a duty imposed on it under its funding agreement with the Secretary of State.**

One of the ESFA's main responsibilities is to ensure that academies comply with their funding agreement with the Secretary of State. The ESFA will seek to resolve any concerns regarding potential or actual breaches of the funding.

POLICY FOR DEALING WITH PERSISTENT OR VEXATIOUS COMPLAINTS / HARASSMENT IN SCHOOLS

The Headteachers and staff deal with specific complaints as part of their day-to-day management of the school in accordance with the **School's Complaints Procedure**. 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. In these circumstances the school may take action in accordance with this policy and refer the matter to Schools Choice HR and Trade Union representatives for further advice and support.

1. AIMS OF POLICY

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 students, staff and everyone else who has legitimate interest in the work of the School, including governors and parents
- deal fairly, honestly and properly 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.

2. PARENTS' EXPECTATIONS OF THE SCHOOL:

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

- a) Inform parents of the complaints procedure
- b) Inform parents of the **procedure** for Dealing with Persistent or Vexatious Complaints and/or Harassment in Schools
- c) respond within a reasonable time
- d) be available for consultation within reasonable time limits, bearing in mind the needs of the pupils/students within the school and the nature of the complaint
- e) respond with courtesy and respect
- f) attempt to resolve problems using reasonable means in line with the School's complaints procedure, other policies and practice keep complainants informed of progress towards a resolution of the issues raised

3. THE SCHOOL'S EXPECTATIONS OF PARENTS/CARERS/MEMBERS OF THE PUBLIC

The School will expect parents/carers/members of the public who wish to raise problems with the School to:

- a) treat all school staff with courtesy and respect. This applies to face to face and written communication.
- b) respect the needs and well-being of pupils and staff in the School
- c) not use, or threatened use, of violence to people or property
- d) not use any aggression, intimidation or verbal abuse
- e) recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond (Maximum of 3 working days)
- f) recognise that resolving a specific problem can sometimes take some time
- g) (in the case of a complaint) follow the School's Complaints Procedure

If the above are not adhered to the school will refuse to investigate until the above behaviour is evident.

4. 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:

- a) actions which are obsessive, persistent, harassing, prolific, repetitious
- b) prolific correspondence or excessive e-mail or telephone contact about a concern or complaint
- c) an insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes
- d) an insistence upon pursuing complaints in an unreasonable manner
- e) 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 as in (a) to (e) above in such a way that they:

- a) appear to be targeted over a significant period of time on one or more members of school staff and/or
- b) cause ongoing distress to individual member(s) of school staff and/or

- c) have a significant adverse effect on the whole/parts of the school community and/or
- d) 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.

5. THE SCHOOL'S ACTIONS IN CASES OF PERSISTENT OR VEXATIOUS COMPLAINTS OR HARASSMENT

In the first instance the School will verbally 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. This will be confirmed in writing. If verbal communication is not possible due to the school being unable to contact the complainant, this will be communicated in writing.

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:

- a) 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 (See letter format in 'Keeping schools safe from threat and violence policy' which details a warning that the complainant could be banned from the School site; if behaviour persists).
- b) 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
- c) inform the complainant that, except in emergencies, all routine communication with the complainant to the school should be by letter only
- d) (in the case of physical or verbal aggression) refer to Joint Local Authority-Police Guidance for Schools, "Dealing with Abuse, Threats and Violence Towards School Staff", and or proceed straight to a temporary ban.
- e) consider taking advice on pursuing a case under Anti-Harassment legislation
- f) Reporting violent and threatening behaviour or behaviour which harasses any member of staff or shows discrimination to any member of staff to the police.

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 legal advice may be sought.

6. 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.

Complaint from

Stage 1	Date received	by
	Date of Reply/action	by
	Date completed	by

Stage 2	Date received	by
	Date acknowledged <small>(3 working days from receipt)</small>	by
	Response date <small>(10 working days from receipt)</small>	by

Stage 3	Date Received <small>(10 working days from stage 2)</small>	by
	Date Acknowledged	by
	Response date <small>(14 working days from receipt)</small>	by

Stage 4	Date received	by
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