



# Complaints Policy

## Revised Policy April 2019

Date of approval and adoption - Policy Revised April 2019

Date for the next annual review - September 2020

### Signed

Complaints Coordinators - Assistant Head Teachers (the Head Teacher will nominate one for an individual complaint)

Named Governor - Chair of Governors

Headteacher

This policy has been written with reference to the Education & Skills Funding Agency guidance 'Creating an academy complaints procedure' alongside the Giles Academy's Home/School Agreement.

### Introduction:

The majority of issues raised by parents, the community or students, are concerns rather than complaints.

A 'concern' may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*'. A complaint may be generally defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.

Giles Academy is committed to taking concerns seriously, at the earliest stage, in the aim of keeping the number of formal complaints to a minimum and without needing formal procedures. However, depending on the nature of the complaint, you may wish or be asked to follow the school's formal complaints procedure. For the school to be able to investigate a complaint, it needs to be made within three months of the occurrence unless there are exceptional circumstances.

The prime aim of Giles Academy's 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, eg students who may false statements may be excluded.

The following details outline the stages that can be used to resolve complaints.

## The Giles Academy Policy has four main stages

In summary they are as follows:

- **Stage 1** - A concern is raised informally with a staff member.
- **Stage 2** - Formal complaint is heard by the complaints co-ordinator who is a member of the Senior Leadership Team (an Assistant Head Teacher)
- **Stage 3** - Complaint is heard by Head Teacher.
- **Stage 4** - Complaint is heard by Governing Body's Complaints Appeal Panel.

### Stage 1 - Raising a Concern

Concerns may be raised with the school at any time and will often generate an immediate response, which will resolve the concern. The school requests that parents make their first contact the Head of Year or Tutor.

On some occasions the concern raised may require investigation, or discussion with others, in which case you will receive an informal but informed response within a day or two. The vast majority of concerns will be satisfactorily dealt with in this way. However, if you are not satisfied with the result at *Stage 1*, please write to or call the school within 10 school working days and state what you would like the school to do. The school will then consider your complaint at the next stage.

In the case of serious concerns, it may be appropriate to address them directly to the Headteacher (or to the Chair of the Governing Body, if the complaint is about the Headteacher).

### Stage 2 - Complaint Heard by the Complaints Co-ordinator

Formal complaints should normally be put in writing (letter or email) and addressed to The Complaints Co-ordinator, Giles Academy, Old Leake, Boston, Lincs PE22 9LD. The complaint will be logged, including the date it was received. The school will normally acknowledge receipt of the complaint within 2 school working days of receiving it. 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 normally take place within 10 school working days. 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 or call the school within 10 school working days of getting our response. You will need to tell the school why you are still not satisfied and what you would like the school to do/or your desired outcome.

A complaint can also be made in person or by telephone. In this case, brief notes of meetings and telephone calls will be kept and a copy of any written response added to the record. Where there are communication difficulties, it may be appropriate to use a recording device to ensure the complainant is able to access and review the discussions later.

### **Stage 3 - Complaint Heard by Head Teacher**

If the matter has not been resolved at *Stage 2*, the Head Teacher will arrange for a further investigation. Following the investigation, the Head Teacher will normally give a written response within 10 school working days. If you are dissatisfied with the result at *Stage 3*, you will need to let the school know within 10 school working days of your receipt of the response.

### **Stage 4 - Complaint Heard by the Governing Body's Complaints Appeal Panel**

If the matter has still not been resolved at *Stage 3*, then you will need to write to the Chair of Governing Body, via the Clerk to Governors.

Written details of the complaint should be sent to the Clerk to the Local Governing Body, at the academy address marked 'Private and Confidential'. If, for some reason the complainant feels unable to do so, they should contact the Clerk via the academy by telephone 01205 870693. The Clerk will help to produce a typewritten statement for the complainant to sign. The Clerk will ensure that the complaint process is started as soon as practicable. The Clerk to Governors will write to acknowledge receipt of the complaint within 5 school working days. The acknowledgement letter will explain the process which is to be followed and the expected timescale for this process - please see section 'Governors' Complaints Committee Procedure'. Where your complaint is considered under written representations, this process may take up to 25 school working days to allow for the collection of representations and evidence.

The Governing Body will invite the complainant to attend a hearing before a panel of three governors who form a complaints committee to adjudicate upon the complaint. The Governors on a hearing panel will not have been involved in previous consideration of the complaint. Where a panel is convened one member will be independent of the management and running of the academy. The Clerk will write within 15 school working days to confirm when the panel will be held giving 10 school working days' notice. Parents will be invited to attend and can be accompanied if they wish. If parents do not wish to attend, the panel will continue to meet as planned.

During the panel meeting representations can be made by the complainant, Headteacher, parents and student where relevant. The complaints committee will decide following hearing evidence from all relevant parties. Either the complainant or the Headteacher will be entitled to bring a representative with them if they wish. Either party intending to bring a legal representative would be expected to contact the Clerk to the Governors prior to the hearing to notify them of the same.

The complaints committee must take a robust approach and not simply endorse the Headteacher's decision without any consideration of the evidence. The complaints committee must have all necessary evidence to make a decision. If they are not satisfied and require evidence from either party, they should adjourn and request that information. The complaints committee should only make their decision if they are satisfied they have sufficient evidence with which to make a final decision.

The decision of the complaints committee should be given to the complainant in writing within 5 school working days of the decision outlining findings and recommendations. Where relevant a copy will be provided to the person complained about and made available for inspection on the academy premises by the Headteacher. Providing the procedures as laid down in the complaints policy are followed there is no right of appeal

following the decision. The decision letter should outline the nature of the complaint, factors taken into consideration and the decision of the complaints committee. There is therefore no need for minutes to be disclosed.

The structure of such a meeting should be flexible. However, it is anticipated it would follow a similar process to exclusion or admission appeals. The complaint would be put to the complaints committee who would then have the opportunity to ask any questions as would the Headteacher. The complaint would then be responded to by the Headteacher with questions being permitted by the complainant and the committee. Each party would then summarise their position. Both parties would then withdraw to allow the committee to make their decision in private. A written decision letter should be forwarded to the complainant and Headteacher within 5 school working days of that decision being made.

### **Complaints against an Individual Governor**

For complaints against a governor, a written complaint, along with any correspondence and evidence to support your complaint, should be sent to the Clerk to the Governors. If, for some reason, the complainant feels unable to do so, they should contact the Clerk via the academy by telephone 01205 870693. The Clerk will help to produce a typewritten statement for the complainant to sign.

The Clerk will acknowledge receipt of your complaint within 5 school working days, and initiate the correct process. The Chair of Governors will consider complaints against an individual governor.

If the complaint is against the Chair of Governors, the process will be conducted by the Trust Members.

You will receive a letter within 10 school working days advising you of the outcome. There will be no further internal right of appeal for complaints against individual governors.

### **Complaint Procedure Timescale**

We will use our best endeavours to address complaints in a timely and efficient manner. However, there will be times when timescales may need to be adjusted. If, at any stage of the process, we believe we are unable to meet the timescales which have been provided to you, the Clerk will contact you to explain the reasons for any delay and to provide you with a new timescale for the conclusion of that part of the process.

### **Referral to the ESFA**

If the complainant is dissatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the Education & Skills Funding Agency (ESFA). The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a school's decision about a complaint, however, it will look into:

- Whether there was undue delay, or the school did not comply with its own complaints procedure
- Whether the school was in breach of its funding agreement with the Secretary of State
- Whether the school has failed to comply with any other legal obligation.

For more information or to refer a complaint, see

<https://www.gov.uk/complain-about-school>

### **Record Keeping**

Written records will be kept of all complaints that are made where the parent is not satisfied with the response to the complaint, having allowed for a complaint to be made

and considered initially on an informal basis, and action taken by the school as a result of those complaints (regardless of whether they are upheld).

Correspondence, statements and records of complaints 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.

It is important the complaint and the investigation papers are not attached to the student's file. They should be filed by the Clerk to the Governors in the Governing Body filing system.

### **Time Limits**

You should make the academy aware of your complaint as soon as possible after the matter of incident has occurred that you wish to complain about. Usually, we would expect you to do this within three months of the incident occurring and if you do not contact the academy within that time, we will not usually consider your complaint.

If your complaint relates to a continuing act, then occurrences outside of the three-month time limit will usually be considered alongside the more recent occurrence.

If you feel there are exceptional circumstances that have prevented you from meeting the time limit, you can provide an explanation of these circumstances along with your complaint so that Governors can take them into account.

The final decision rests with Governors as to whether your complaint will be considered when it is raised outside of the three-month time limit.

The academy expects that any person wishing to raise a concern or complaint will:

- Follow the academy complaints procedure
- Treat all members of the academy community with courtesy and respect
- Recognise the time constraints that staff operate under and allow them a reasonable amount of time in which to respond/address any issues.

### **Additional notes on Unreasonable Complaints**

Giles Academy 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 the 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.

Giles Academy defines unreasonable complainants as '*those who, because of the frequency or nature of their contacts with the school, 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 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, 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 a school while a 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 Head teacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Head teacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Giles Academy causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from Giles Academy.

### **Barring from the School Premises**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Head teacher or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Head teacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

#### **Further advice**

The Department for Education document has a useful appendix which outlines roles and responsibilities and best practice tips for interviewing. Please refer to the document as appropriate and follow the advice.

#### **Reference**

<https://www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure/putting-in-place-a-complaints-procedure>

## **Complaints Procedure**

### **Appendix 1**

#### **GOVERNORS COMPLAINTS COMMITTEE PROCEDURE**

##### **General Principles**

If a person is not satisfied with the response from the Headteacher, then he/she is entitled to take the complaint to the Governing Body.

All complaints to the Governing Body Complaints Committee must be in writing and should include full details of the complaint, along with any supporting evidence. This should be sent to the Clerk to the Governors, care of the academy.

The Clerk will then ensure the complaints process is started as soon as practicable. If for some reason you do not feel able to put your complaint in writing, please contact the Clerk to arrange an alternative means of capturing your complaint.

A minimum of three governors should be selected from a bank of nominated governors to form the Complaints Committee to consider the complaint. The Chair of Governors will not normally sit on this Committee. Those governors should have no knowledge of the details surrounding the complainant or of the complainant themselves. The Complaints Committee can choose its own Chair. The panel will include one member who is independent of the management running of the academy.

##### **Adjudications**

The Complaints Committee should take a robust approach and not simply endorse the decision of the Headteacher without any consideration of the evidence.

The Complaints Committee must have all evidence they feel is necessary for them to make their decision. If they are not satisfied and require further evidence from either party, they should adjourn and request this information. The Complaints Committee should only make their decision if they are satisfied they have sufficient evidence with which to make a final decision.

The decision of the Complaints Committee should be given to the complainant in writing within 5 school working days of the decision. Providing the procedures as laid down in the complaints procedure are followed there is no right of appeal following this decision.

The decision letter should outline the nature of the complaint, the factors taken into consideration and the decision of the Complaints Committee. In the case of written representations, the decision letter should be sufficiently thorough as to obviate the need for minutes to include any other information.

It is important the complaint and associated papers are not attached to the child's file as they do not relate to the child. Giles Academy will not deny any individual access to information they have a right to under The Education (Pupil Information) (England) Regulations 2005.

The academy is advised to keep a central register of complaints received. The DfE advise the monitoring and review of complaints can be a useful tool in evaluating a school's performance.