

# ACADEMY COMPLAINTS PROCEDURE



## General Principles

- This procedure is intended to allow you as a parent of child who currently attends the academy to raise a concern or complaint relating to the academy, or the services that it provides.
- An anonymous concern or complaint will not be investigated under this procedure.
- To enable a proper investigation, concerns or complaints should be brought to the attention of the academy as soon as possible. In general, any matter raised more than 3 months after the event being complained of, will not be considered.

## Raising a concern or complaint

### **1) Informal Stage**

It is 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 academy office. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal 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 head teacher).

If you are uncertain about who to contact, please seek advice from the academy office or the clerk to the governing body.

### **2) Formal Stage**

If your concern or complaint is not resolved at the informal stage you may choose to put the complaint in writing and pass it to the head teacher, who will be responsible for ensuring that it is investigated appropriately.

If the complaint is about the headteacher, your complaint will be passed to the clerk to the governing body, for the attention of the chair of the governing body.

A complaint form is provided to assist you. You should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents.

It is very important that you include a clear statement of the actions that you would like the academy to take to resolve your concern. Without this, it is much more difficult to proceed.

Please pass the completed form, in a sealed envelope to the academy office. The envelope should be addressed to the headteacher, or to the clerk to the governing body, as appropriate.

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

It is possible that your complaint will be resolved through a meeting with the head teacher (or chair). If not, arrangements will be made for the matter to be fully investigated, using the appropriate procedure. In any case you should learn in writing, usually within 5 days of the academy receiving your formal complaint, of how the academy intends to proceed. This notification will include an indication of the anticipated timescale.

Any investigation will begin as soon as possible and when it has been concluded, you will be informed in writing of its conclusion. If you are not satisfied with the manner in which the process has been followed, you may request that the governing body reviews the process followed by the academy, in handling the complaint. Any such request must be made in writing to the clerk to the governing body, within 10 working days of receiving notice of the outcome, and include a statement specifying any perceived failures to follow the procedure. The procedure described below will be followed. A Review Request form is provided for your convenience.

## **Review Process**

Any review of the process followed by the academy will be conducted by a panel of 3 members of the governing body. This will usually take place within 10 working days of receipt of your request. The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations will be considered.

### **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 will 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 working days, to consider the matter. The complainant (who may be accompanied by a friend if they wish) and representative(s) from the academy (who may also be accompanied by workplace colleagues 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 representations to the panel will normally attend separately.

When the panel has collected sufficient information, it will deliberate and then inform the complainant, the headteacher 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 review of the process followed by the academy will be conducted by a panel of 3 members of the governing body. This will usually take place within 10 working 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 may be considered.

The panel will first receive written evidence from the complainant. The panel will then invite representatives of the academy (usually the head teacher 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 working days of the panel meeting.

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

A complaint may be made to the Secretary of State for Education if a person believes that a governing body or LA is acting "unreasonably", or is failing to carry out its statutory duties properly (see Sections 496 and 497 of the Education Act 1996). However, intervention can only occur if the governing body or the LA has failed to carry out a legal duty or has acted unreasonably in the performance of a duty. Intervention would have to be expedient in the sense that there would have to be something that the Secretary of State could instruct either party to do to put matters right. The

Secretary of State must be satisfied that a decision is unreasonable in the sense that no reasonable authority or governing body, acting with due regard to its statutory responsibilities, would have reached that decision.

## **ACADEMY POLICY FOR HANDLING UNREASONABLY PERSISTENT, HARASSING OR ABUSIVE COMPLAINANTS**

The headteacher 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 for parents to use if they wish to make a formal complaint.

Sometimes, however, parents or 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 policy is to provide information concerning 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
- persistent – even when the complaints procedure has been exhausted
- personally harassing, or unjustifiably repetitious
- an insistence on pursuing unjustified complaints and/or unrealistic outcomes to justified complaints
- pursuing justifiable complaints in an unreasonable manner (eg using abusive or threatening language)
- making complaints in public or via a social networking site such as Facebook
- refusing to attend appointments to discuss the complaint.

### **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 academy 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 with the academy 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 in academies work and allow the academy a reasonable time to respond to a complaint
- follow the academies complaints procedure.

**Academy response 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 their 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 their 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 to written communication and that these may be required to be channelled through the academies legal team.

**Physical or verbal aggression**

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

- ban the individual from entering the academy 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 subject to the policy.