

BURSLEY MULTI ACADEMY TRUST LTD



ACADEMY COMPLAINTS PROCEDURE

General Principles

- This procedure is intended to allow the complainant as a parent of child who currently attends an academy within Bursley Multi Academy Trust (the MAT) to raise a concern or complaint relating to the academy, (other than admissions or exclusions which have their own process) 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 2 months after the event being complained of, will not be considered. It will only relate to issues that occur within the control of the academy concerned and will not apply to issues that occur in the public domain beyond the control of those academies.

Our Equality Duty

We have carefully considered and analysed the impact of this policy on equality and the possible implications for pupils with protected characteristics, as part of our commitment to meet the Public Sector Equality Duty requirement to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations.

British Values

Children who attend our academy experience an enabling environment in which they will develop self-knowledge, self-esteem and self-confidence. Coupled with this they will develop the ability to distinguish right from wrong and to respect the civil and criminal law of England.

Within this enabling environment your child or children will develop the ability over time to accept responsibility for their behaviour, show initiative, and to understand how they can contribute positively to the lives of those living and working in the locality of the academy and to society more widely.

Whilst with our academy parents can expect their children to acquire a broad general knowledge of and respect for public institutions and services in England, and to develop a personal character that is tolerant and can foster harmony between different cultural traditions, along with a respect for their own and other cultures.

We firmly believe and encourage our pupils to show respect for other people; and for democracy and the support for participation in the democratic processes, including respect for the basis on which the law is made and applied in England.

To be part of our academy it is unacceptable on the part of any stakeholder to promote discrimination against people or groups on the basis of their belief, opinion or background.

Raising a concern or complaint

1) Stage 1 – Informal Resolution

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.

It is a precondition to the operation of this policy that the complainant shall have made reasonable attempts to seek an informal resolution and shall have acted in relation to the matter in a reasonable and measured way consistent with the Behaviour Code adopted from time to time.

The Chair of Trustees shall have a discretion, which will be exercised reasonably, not to allow a complaint to be pursued where this precondition has not been met.

2) Stage 2 – Formal Resolution by the local academy

If your concern or complaint is not resolved at the informal stage you may choose to put the complaint in writing. 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.

The form should be addressed to the Principal of the academy concerned, who will be responsible for ensuring that it is investigated appropriately.

The Principal may invite you to a meeting to clarify your concerns and to explore the possibility of an informal resolution. Wherever reasonably possible, this meeting will take place within 15 working days of receipt of the complaint. 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 Principal and the outcome of the meeting will be sent to you in writing within 15 days of the meeting.

Any investigation will begin as soon as possible after receipt of the complaint. The investigator will put their findings in writing to you and will indicate what, if any, steps are to be taken to resolve the matter and any timescales involved. This letter will be sent within 15 working days of the first meeting or 15 working days from receipt of the complaint if no meeting is held.

If the complaint is about the Principal, your complaint will need to be addressed to the Executive Principal of the MAT at the registered office address. However, where informal resolution is not reached, the Executive Principal may appoint a member of the Local Governing Body (LGB) to investigate within the procedures outlined above.

3) Stage 3 – Formal Resolution - by Executive Principal

The complainant must put the complaint in writing, addressed to the Executive Principal of the Trust at the MAT registered office address, setting out briefly the facts and stating what it is that the complainant considers should have been done or where the academy has not met reasonable expectations.

The Executive Principal may appoint a member of the LGB of the academy to investigate the complaint. The investigation may include the offer of a meeting with the complainant, whenever reasonably

possible; any meeting with the complainant will take place within **15 school working days** of the written complaint being received.

The investigator will put their findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within **15 school working days** of any meeting with the complainant; if no meeting is arranged it will be within **15 school working days** of the written complaint being received.

Where the complainant remains dissatisfied they may request the complaint is dealt with at Stage 4. Any such request must again be set out in writing; stating where the complainant remains dissatisfied, what remedies are being sought and be lodged within **10 school days** of the complainant receiving the findings in writing. A Review Request form is provided for your convenience request. The request must be addressed to the Clerk of the Trustees at the MAT registered office address.

Stage 4 – Formal Resolution – Complaints Panel Hearing

The MAT Hearing and Appeals Committee will consider all complaints at Stage 4. The panel shall be constituted according to its Terms of Reference. The members of the committee shall be appointed by the Trustees and be made up of at least 3 directors and 1 panel member who is independent of the management and running of the Trust or any of its academies. The Committee may also invite any advisers as they determine which may include advisers as appropriate and members of the LGB's.

No member of the committee will have had any previous direct involvement in the focus of the grievance.

The review will normally be conducted through a consideration of written submissions but reasonable requests to make oral representations will be considered.

The Clerk to the Trustees (or other appointed person) will invite the academy to put in writing its response to the complainants written submission within 15 working school days.

At the end of that period (whether or not the academy has responded) the clerk will convene a meeting of the Hearing and Appeals Committee to consider the matter. The meeting will be held as quickly as practicable given the need to find a mutually convenient date for all parties concerned. Wherever possible, the meeting will be held within 15 working school days of the end of the academy's response time.

If required, the complainant will be entitled to be accompanied by a friend but legal representation will not be allowed. 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. All attendees will be advised to the clerk. The complainant is not permitted to introduce new / reasons complaints that were not previously put in writing.

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 principal of the respective academy, the LGB and the Trustee Board of the outcome in writing within 10 working school days of the panel meeting.

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.

The Panel findings and recommendations will be;

- sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about.
- available for inspection on the academy premises by the MAT, the Executive Principal and the Principal.

Consideration of the complaint by the MAT, save for any actions that are agreed will terminate at this point.

Attendance at a Complaints Panel Hearing

The Complaints Panel will only be arranged if the complainant and / or their representative attend. If the complainant does not confirm attendance or fails to attend on the day without compelling reasons, the Complaints Panel will not proceed and the complainant will lose their right to the complaint being heard. Any further attempt by the complainant to re-open the matter will be considered as falling under the serial / persistent complainants section of this policy.

If you are not satisfied with the manner in which the process has been followed, you may request a review of the process followed by the academy, in handling the complaint. Any such request must be made in writing to the Executive Principal at the MAT's registered office address, within 10 working days of receiving notice of the outcome, and include a statement specifying any perceived failures to follow the procedure. A Review Request form is provided for your convenience. The procedure described below will be followed.

Process Review Meeting

Any review of the process followed by the academy will be conducted by a panel of 3 members of the Trustee Board who were not members of any previous committee dealing with the complaint. 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.

The panel will first receive written evidence from the complainant. The panel will then invite representatives of the academy (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 10 school working days of the panel meeting.

The matter will then be closed as far as the MAT 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.

Record Keeping

A written record will be kept of all complaints that were resolved at the formal stage of the complaints procedure. Records will contain details of whether the complaint was resolved at stage 2, stage 3 or proceeded to a stage 4 panel hearing. The action taken by the academy or the Academy Trust as a result of a complaint (regardless of whether they are upheld) will also be recorded.

Confidentiality

Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them.

ACADEMY 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 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 or perceived smear campaigns 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 MAT'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.

Implementation of this procedure / policy

Our academy will manage implementation of this procedure/policy with the support and guidance of the appropriate body / bodies as defined at the time of writing.

Signed by: _____
Chair of Trustees

Date: _____

Signed by: _____
Executive Principal

Date: _____