

BRANSTON JUNIOR ACADEMY

COMPLAINTS POLICY

1.0 INTRODUCTION

1.1 Under Part 7, Schedule 1 of the Education (Independent School Standards) Regulations 2014, the academy is required to have in place a procedure to deal with complaints relating to it and to any community facilities or service that it provides.

1.2 This procedure is made accessible to the public, on the academy website.

1.3 This procedure does not apply to complaints about:

- Admissions & Exclusions;
- Curriculum;
- Special Educational Needs;
- Provision of Collective Worship and Religious Education;
- Allegations of bullying by pupils;
- Matters likely to require a Child Protection investigation;
- Academy re-organisation proposals;
- Whistleblowing; and
- Complaints about services provided by other providers who may use academy premises or facilities which are dealt with under separate procedures.

1.4 Equally, complaints by employees of the Academy are usually dealt with via the grievance procedure.

1.5 It is the Academy's intention that this Complaints Procedure will:

- encourage resolution of problems by **informal** means wherever possible;
- be **simple** to understand and use;
- be impartial;
- be non-adversarial;
- allow **swift** handling with established **time-limits** for action and keeping people informed of the progress;
- ensure a full and **fair** investigation by an independent person where necessary;
- respect people's desire for **confidentiality**;
- address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary;
- provide **information** to the academy's senior leadership team so that services can be improved.

1.6 The Academy's Complaints Co-ordinator is the Headteacher.

2.0 SPECIFIC PROVISIONS

2.1 Changes of Personnel

Complaints against the Chair of Governors or an individual governor should be made by writing to the Clerk to the Governing Body.

2.2 If the subject of the complaint is the Headteacher, then the matter will be dealt with first by the Chair of Governors. The Complaint should be handed to the Chair of Governors in the first instance. Stage 2 then may be handled by a single governor.

2.3 The Academy may also, in appropriate circumstances, adjust or modify this procedure where the particular circumstances of the complaint warrant it.

2.4 Recording Complaints

Complaints should be made using the complaint form at Annex 1 or clearly set out in writing; however, the Academy will allow alternative methods of contact where a complainant uses a different communication preference due to disability or a learning difficulty.

2.5 The Academy will record the progress of any formal complaint and the final outcome. The Headteacher will be responsible for these records and will hold them centrally. Brief notes of meetings and telephone calls will be kept and a copy of any written response added to the record.

2.6 Exclusions and Exceptional Circumstances

An anonymous complaint will only be investigated in very limited and exceptional circumstances.

A complaint relating to matters more than 3 months in the past will normally only be accepted and investigated in exceptional circumstances. In such cases, the academy may either involve appropriate external agencies or conduct its own internal review to test whether there is any corroborative evidence, which might trigger a formal investigation.

2.7 Unreasonable Conduct by a Complainant

The 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 Academy. 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.

Complainants should limit the number of communications with an Academy 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.

Complainants (and/or anyone acting on their behalf) may be deemed by the Headteacher and /or the Chair of Governors to be unreasonable if they have behaved in any of the following ways (this list is not exhaustive):

- The complainant makes such frequent contact with the academy that objective consideration of a “live” complaint is hindered;
- The complainant makes a string of further complaints about a “live” investigation or changes aspect of the complaint, during the investigation;
- The complainant exhausts all stages of the academy’s complaints procedure but continues to pursue the same matter;
- The complainant seeks an unrealistic outcome and persists in doing so despite being advised that this is the case.
- The complainant’s communications:
 - Are malicious, abusive or aggressive;
 - Use threats, intimidation or violence;
 - Use offensive, abusive or discriminatory language;
 - Known by them to be false and/or contain falsified information;
 - Publish unacceptable information in a variety of media such as in social media websites and newspapers.
- The complainant makes insulting personal comments about, or threats towards, staff.
- The complainant makes unjustified complaints about staff who are trying to deal with the issues, and seek to have them replaced.
- The complainant refuses to articulate their complaint or specify their grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- The complainant refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- The complainant 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.

In these examples a “contact” may be in person, in writing, or by telephone or SMS text.

Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an “unreasonable” marking to their communications.

Where a complainant continues to behave in an unacceptable fashion the Headteacher or Chair of Governors will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. The Academy may decide to deal with such complaints in one or more of the following ways, for example:

- a. Try to agree with the complainant a code of behaviour for the parties involved if the Academy is to continue processing the complaint.
- b. To require contact to take place with a named officer only.
- c. To restrict telephone calls to specified days and times.
- d. To restrict contact with the complainant to one form of contact only.
- e. To limit the number of times contact can be made per term.

If this behaviour continues then the Chair of Governors or Headteacher may authorise staff to terminate contact with the complainant (except in matters directly related to the education and welfare of their child) and they may discontinue any further investigation being carried out. The complainant will already have been given a clear statement of the Academy’s position and have taken all reasonable steps to address the complainant’s needs. Any further written contact from the complainant will be read and placed on file. Telephone calls relating to the complaint will be terminated and logged on the record. The Academy should usually review this position after 6 months.

2.8 Barring from the Academy Premises

If a parent’s behaviour is a cause for concern, the Academy can ask them to leave the premises. In response to any serious incident of aggression or violence, the police may be informed.

The Academy can notify a parent, in writing, that their implied licence to be on the premises has been temporarily revoked; however, the parent will be able to formally express their views on the decision to bar, in writing.

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

3.0 THE PROCEDURE

3.1 Stage One (informal): Complaint Heard by Staff Member

Where an individual has a concern regarding a member of staff, it should in most cases be raised with that member of staff directly. This should generally enable a concern to be resolved at the earliest possible stage and avoid any need for it to escalate into a formal complaint.

Members of staff dealing with such concerns should keep a record of the concern and the steps taken to deal with it. This is particularly important where the concern is raised (and resolved) verbally.

If an acceptable resolution is not reached, the member of staff should direct the individual to this procedure.

The academy does recognise that there may be circumstances in which:-

- it would be difficult for a particular complainant to discuss a complaint with a particular member of staff; or
- the member of staff directly involved feels too compromised to deal with the complaint.

In these cases, the complaint should be directed to the Headteacher who can refer the complainant to another staff member (or, in the case of a complaint concerning the Headteacher, the Chair of Governors for informal resolution. Such alternative member of staff may be more senior, but does not have to be, and they are simply required to consider the complaint objectively and impartially.

Where a complaint is received, which does not appear to have explored this stage of the procedure (such as where the first approach is made to a governor) and which does not indicate that there is good reason (as indicated above) why this has not been done, the usual next step would be to refer the complainant to the appropriate person and advise them about the procedure.

3.2 Stage Two (formal): Complaint Heard by Headteacher

A formal complaint should be issued to the academy in the form set out at Annex 1, or at least including all the matters covered in that form. Complaints should be made as soon as possible following the exhaustion of Stage One (where possible).

The academy will promptly acknowledge the complaint (usually within five term-time days) and the Headteacher will be the person to consider it and reach the decision upon any action to be taken.

The Headteacher will usually also investigate the complaint; however, the Headteacher may if appropriate appoint another

suitable person to investigate the complaint and produce a report, which the Headteacher will consider in reaching their decision.

The Headteacher will confirm his/her decision in writing.

The Complaint Handler dealing with the formal complaint must keep a written record of the complaint and any action taken as a result of the formal complaint.

3.3 Stage Three (formal): Appeal Panel

If the complainant remains dissatisfied with the outcome of Stage 2, they should write to the Chair of Governors giving details of the complaint and the reasons why they disagree with the Headteacher's decision at Stage 2, no later than 10 working days from the date of the Headteacher's decision letter.

The Chair of Governors will convene a Complaints Panel consisting of at least three people who have not been directly involved in the matters detailed in the complaint. One panel member will be independent of the management and running of the academy.

A letter will be sent to the complainant inviting them to attend the hearing, which will provide reasonable notice, and the complainant may be accompanied to the hearing by a friend or family member.

In order for them to prepare for the hearing, the Panel should receive in advance (in particular, but not exclusively):-

- A summary of the steps taken at Stage 1;
- The formal complaint lodged at Stage 2;
- The investigation steps taken by the academy;
- The Headteacher's decision; and
- The complainant's appeal correspondence and any supporting documentation.

In most cases, the Stage 3 Hearing will be attended by:-

- The panel (with one governor chosen to act as the Panel Chair);
- The complainant;
- An appropriate individual to advise the panel;
- A clerk.

The Complainant has the right to request an independent panel if they believe there is likely to be bias from the appointed panel. This request must be made no later than three school days in advance of the Stage 3 Hearing together with reasons why they feel this to be the case. This request should be put in writing to the Clerk to the Governors.

The request will be considered by the Governors but the final decision as to whether to accept the request for an independent panel is for the Governors to determine.

The Headteacher may attend, if it is considered appropriate, to explain his/her actions and/or decision at Stage 2. However, it will not normally be expected for the subject of the original complaint to attend, nor for witnesses to attend and give evidence in person.

4.0 CONDUCT OF THE PANEL HEARING

At the hearing, the complainant will be given a full and fair opportunity to present the grounds of their complaint and any supporting evidence, together with their reasons for rejecting the decision of the Headteacher's decision at Stage 2. It should be made clear what resolution is sought by the complainant and why this is considered appropriate.

No Governor will sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.

The Panel's decision will usually be reached on the basis of the documentary evidence available, although the panel may adjourn the hearing if necessary to conduct further investigation. The Panel's role is not to re-investigate the case, but to review the steps taken to date.

In order to retain the non-adversarial approach recommended by the DfE, the following principles will apply to the hearing:

- The Panel will act independently and impartially;
- The hearing will be as informal as possible and the Panel will endeavour to put and keep the complainant at their ease;
- Witnesses will not normally be required to attend to give evidence in person, and the written evidence (as recorded in notes of any investigation interview) will usually be taken as read;
- Should the complainant want a particular witness to attend in person, this request should be justified with reasons and the Panel should make the decision as to whether to proceed in this way. In such cases, the witness will only be required to attend for the part of the hearing in which they give their evidence and can afterwards be excused;
- The focus of the hearing will be on hearing from the complainant. The Headteacher, if attending, can respond to points raised by the complainant;
- The panel may ask questions at any point;
- The complainant will not be present whilst the Panel deliberates; and
- The Panel's decision will be confirmed in writing following the hearing.

The welfare of any child/young person is paramount.

5.0 THE PANEL'S DECISION

- 5.1 The Panel will have to consider the issues raised by the complainant and the evidence supporting their complaint.
- 5.2 It will often be the case that the evidence of two or more witnesses' conflict, and in such cases, the Panel will have to make a finding of whose evidence to prefer and the reasons why they have reached this decision.
- 5.3 The Panel will consider the complainant's appeal and may:-
 - dismiss the complaint in whole or in part;
 - uphold the complaint in whole or in part;
 - decide on the appropriate action to be taken to resolve the complaint;
 - recommend changes to the academy's systems or procedures to ensure that problems of a similar nature do not recur.
- 5.4 Dismissal of a complaint may be done where (without limitation):-
 - There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld.
 - The concern is not substantiated by the evidence.
 - The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential.
- 5.5 Where a complaint is substantiated in part or in full, some details may then be given of action the academy may be taking to review procedures etc. but details of the investigation or of any disciplinary procedures will not be released.
- 5.6 The decision will be confirmed in writing to the complainant as soon as reasonably practicable and usually within 10 term-time days.
- 5.7 A copy of the panel's findings and recommendations will be also be provided to the person complained about, where relevant. A copy of the letter will be held centrally and available for inspection by the Headteacher and will form part of the written record.
- 5.8 The Stage Three Panel Hearing is the last stage of the Academy complaints process.
- 5.9 Once a complaint has been addressed formally via this procedure, the matter will be closed. Should a complainant remain dissatisfied, despite all stages of the procedures having been followed, and seek to reopen the same issue, the Chair of the Governing Body will simply inform them in writing that the procedure has been exhausted and that the matter is now closed. A sample letter is set out at Annex 2.

6.0 MONITORING AND REVIEW

- 6.1 The Headteacher will report on the operation of the Complaints Procedure to the Governing Body once a year. This report will include:
- the number of formal complaints that have been made.
 - the number that have been satisfactorily dealt with at the point of the original investigation.
 - the number of occasions on which the Appeal Panel has met.
 - any significant amendments to academy policy or practice as a result of the complaints made.
 - any issues that have arisen in the operation of the Complaints Procedure.
- 6.2 The Headteacher's report will respect the confidentiality of the individual.
- 6.3 In the light of the Headteacher's report, the Governing Body will consider whether or not the complaints procedure should be amended in any way.

7.0 EDUCATION FUNDING AGENCY (EFA)

- 7.1 If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the EFA who will consider whether the complaint has been dealt with properly by the academy.
- 7.2 The EFA schools complaints form can be accessed from the following link: [Complaints procedure - Education and Skills Funding Agency - GOV.UK](https://www.gov.uk/guidance/complaints-procedure-education-and-skills-funding-agency)
- 7.3 The EFA will consider complaints about academies that fall into any of the following three areas:
1. where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint;
 2. where the academy is in breach of its funding agreement with the Secretary of State; or
 3. where an academy has failed to comply with any other legal obligation.
- 7.4 The EFA will consider whether the complaints policy and any other relevant statutory policies have been adhered to. The EFA will not overturn an academy's decision about a complaint; however, if it is found that an academy did not deal with a complaint properly then the EFA may request that the complaint is looked into again.
- 7.5 If legislative or policy breaches are found, the EFA will report them to the academy and where necessary, ask for corrective action to be taken.

Annex 1 Complaint form

This is a Complaint Form intended to instigate Stage 2 of the Complaints Procedure, after attempts to resolve the concern informally under Stage 1 have not provided you with a resolution you consider satisfactory.

Stage 1 should only be omitted in exceptional circumstances (and in such cases the reasons why should be set out below). If the academy does not consider that Stage 1 has been appropriately omitted, it reserves the right to refer your complaint back to that stage.

Please complete and return to the Headteacher who will acknowledge receipt and explain what action will be taken.

Your name:		Pupil's name:	
Address:		Your relationship to the pupil:	
		Daytime telephone number:	
		Evening telephone number:	
Please give concise details of your complaint. Please include, where possible, dates, names of witnesses, etc. as this will enable the academy to properly investigate your complaint.			
What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)?			
If you have not taken such action, please set out here your reasons.			

What actions do you feel might resolve the problem at this stage?	
Are you attaching any paperwork? If so, please give details.	
Signed:	
Dated:	
<u>Official Use</u>	
Date acknowledgement sent:	
By whom:	
Complaint referred to:	
Date:	

Annex 2 Example Rejection Letter

Dear

Following receipt of your communications and careful consideration of the same, I regret that I am unable to deal with this matter under the Academy's Complaints Procedure as:

Please select appropriate wording from the following:

- You have not identified any specific actions of which you might complain
- Your concerns are presented as conclusions rather than specific actions of which you complain.
- The concerns that you identify relate to historical actions and any evidence which might have enabled an objective investigation of your complaint is no longer available.
- The substance of your complaint has been addressed under this procedure already.
- The concerns that you raise do not fall within the scope of this procedure. [I have enclosed a copy of the [NAME] policy.]
- You have not identified any potential sources of evidence which might allow the matter to be investigated.
- The academy offered to resolve the matter informally and in my judgement you refused unreasonably to take advantage of this.

If you wish my decision to be reviewed then you may write to the Clerk to the [Governing Body **OR** Board of Trustees].

Yours sincerely,

Headteacher **OR** Chair of [Governing Body **OR** Board of Trustees]

Annex 3 The Remit of The Complaints Appeal Panel

Any governor sitting on a complaints panel should bear the following in mind:

- a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
- b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the academy and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations, which will satisfy the complainant that his or her complaint has been taken seriously.
- c. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- d. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- e. The governors sitting on the panel need to be aware of the complaints procedure.