

COMPLAINTS POLICY

Unacceptable Behaviour Policy

Unreasonably Persistent Policy

Policy Type	
Adopted by the Trustees	
Chair of the Trustees	
Date	
To be reviewed	
On Website	11.07.2018

Complaints Policy

Aim:

The aim of this policy is to ensure that a concern or complaint by a parent/carer or member of the public is managed sympathetically, efficiently and at the appropriate level and resolved as soon as possible.

Doing so is good practice, it is fair to those concerned and it helps to promote parents' and children's confidence in our ability to safeguard and promote welfare.

We will try to resolve every concern or complaint in a positive way with the aim of resolving the issue in a transparent manner.

Elevate Multi Academy Trust (Elevate) and their Academies expect that most concerns can be resolved informally and guarantees to treat seriously and confidentially all concerns whether raised informally or formally.

Procedure on the Handling of Concerns and Complaints:

This policy applies to all concerns and complaints made against Elevate and their Academies other than:

- Admissions;
- Statutory assessments of special educational needs (SEN);
- Safeguarding matters;
- Exclusion;
- Whistle-blowing;
- Staff grievances;
- Staff discipline;
- Child protection issues.

Legislation:

This policy complies with Part 7 of the Education (Independent School Standards) (England) Regulations 2014, which states we must have and make available a written procedure to deal with complaints from parents of children at the Academy.

Definitions:

The DfE guidance explains the difference between a concern and a complaint.

A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”.

As far as possible Academies will resolve concerns through day-to-day communication.

A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.

Academies intend to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally.

This policy outlines the procedure relating to handling such a complaint.

SEN:

Arrangements for handling complaints from parents of children with SEN about the Academy's support are within the scope of this policy. Such complaints should first be made to the class teacher/special educational needs co-ordinator (SENCO) or Head teacher; they will then be referred to this Complaints policy. Our SEN policy and information report includes information about the rights of parents of children with disabilities who believe that the Academy has discriminated against their child.

Complaints about services provided by other providers who use Elevate's premises or facilities should be directed to the provider concerned.

Principles:

When investigating a complaint, the Academy will try to clarify:

- What has happened;
- Who was involved;
- What the complainant feels would put things right.

Timings:

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage. For the purposes of this policy, a "working day" is defined as a weekday during term time, when the Academy is open. The definition of "working day" excludes weekends and Bank Holidays.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

Elevate and their Academies expect that complaints will be made as soon as possible after an incident arises and no later than **1 month** afterwards. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

Behaviour of parties:

Elevate and their Academies expect all those persons involved with a concern or complaint to conduct themselves in an appropriate, non adversarial manner at all times. This is set out in the Unacceptable Behaviour Policy and Unreasonably Persistent Policy, which forms part of the Complaints policy.

English Language Requirement – Immigration Act 2016:

A legitimate complaint received in respect of the above, whereby a member of the public feels that a public-facing member of staff has insufficient proficiency in English will be investigated in line with this policy and will adhere to the relevant Code of Practice.

Members of staff subject to the complaint will be notified of the complaint and given an opportunity to give their own account of the incident. A complaint will be assessed against an objective assessment of the level of fluency relevant to the role in question.

A complaint about a member of staff's accent, dialect, manner or tone of communication, origin or nationality will not be considered a legitimate complaint.

STAGES OF COMPLAINTS:

Not including a complaint against a Head teacher or Governor:

Stage 1: Informal

Concerns: Most concerns, where a parent/carer seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Examples might include dissatisfaction about some aspect of teaching, disciplinary matters or issues outside the classroom.

Parents/carers should raise the concern initially with the class teacher or the Head teacher as appropriate.

The Academy will ensure that informal complaints are resolved within **10 working days** of being raised.

Unresolved concerns: A concern which has not been resolved by informal means within **10 working days** from the receipt of the complaint can be notified as a formal complaint in accordance with Stage 2 below.

Record of concerns: In the case of concerns raised under Stage 1 of this procedure, the only record of the concern and its resolution will be file notes by the person dealing with the complaint and/or file correspondence between the person raising the concern and the respondent.

Stage 2: Formal

The formal stage involves the complainant completing the Form (Appendix C) and sending to the Head teacher. The Complainant should also include copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

Acknowledgement: The complaint will be acknowledged in writing normally within **3 working days** of receipt during term time and as soon as practicable during the holidays. The acknowledgement will indicate the action that is being taken and the likely timescale for resolution.

Investigation: The Head teacher (or other person appointed by the Head teacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant **within 15 working days from the receipt of the complaint.** . Please note that any complaint received during a school holiday or within 15 working days of the end of term or half term may take longer to resolve.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the clerk to the local governing body, addressed to the Academy, in writing **within 10 days of receiving the response.**

Record of complaints: Written records will be kept of any meetings and interviews held in relation to the complaint.

Complaints against the Head teacher or a governor

Complaints made against the Head teacher should be sent to the Chair of the local governing body at the Academy address. The Chair will then follow the process set out in Stage 2.

Where a complaint is against the Chair of the local governing body or any member of the governing board, it should be made in writing to the clerk to the local governing body in the first instance and sent to Elevate Multi Academy Trust, Halfpenny lane, Knaresborough, North Yorkshire, HG5 0LU. The clerk will instruct a Trustee to investigate the complaint as set out in Stage 2.

Stage 3: Complaint Heard by the Complaints Panel

Request: A request for a complaint to be heard by a Complaints Panel (an appeal) must be made in writing **within 10 working days** of the date of the Academy decision made at Stage 2 to the clerk of the local governing body and sent to Elevate Multi Academy Trust, Halfpenny lane, Knaresborough, North Yorkshire, HG5 0LU.

Acknowledgement: The clerk will acknowledge, in writing, receipt of the appeal **within 3 working days** and inform the complainant of the steps involved in the process. The Clerk will be the contact point for the complainant.

Panel Hearing: The clerk will aim to convene an Appeal Panel hearing as soon as possible, normally no later than **20 working days** after receipt of the Stage 3 request.

Panel Membership: The Panel will consist of 3 governors drawn from Elevate's local governing bodies who have not previously been involved in the complaint. 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. The Panel will select its own Chair.

The Remit of the Complaints Appeal Panel:

The Panel can:

- 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.

The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the Academy and the complainant. The panel chair will ensure that the proceedings are as informal as possible.

Attendance: The following are entitled to attend a hearing, submit written evidence and address the Panel;

- The parents/carers and/or one representative;
- The Head Teacher and/or one representative;
- Any other person who the Complaints Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision making.

Evidence: All parties will be given the opportunity to submit written evidence to the Panel in support of their position including;

- Documents;
- Chronology and key dates;
- Written statements setting out further detail.

The evidence will be considered by the Panel along with the initial submission.

All written evidence must be received by the clerk **no later than 5 working days** in advance of the Panel Hearing.

The clerk will distribute the evidence to all parties **no later than 3 working days** in advance of the Panel Hearing.

Roles and Responsibilities:

The Role of the Clerk: All panels considering complaints must be clerked. The clerk would be the contact point for the complainant and be required to:

- Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- Collate any written material and send it to the parties in advance of the hearing;
- Meet and welcome the parties as they arrive at the hearing;
- Record the proceedings;
- Notify all parties of the Panel's decisions.

The Role of the Chair of the Panel: The Chair of the Panel has a key role, ensuring that:

- The remit of the Panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- The issues are addressed;
- Key findings of fact are made;
- Parents or others who may not be used to speaking at such a hearing are put at ease;
- The hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- The Panel is open minded and acting independently;
- No member of the Panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- Each side is given the opportunity to state their case and ask questions;
- Written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

Decision: The Panel will reach a decision and make any recommendations within **5 working days** of the hearing. The decision reached is final.

Notification of the Panel's Decision: The Panel's findings will be sent, by writing, to the parents/carers and the Head teacher and where relevant, to the person complained about. The letter will state the reasons for the decision reached and any recommendations made by the Panel.

Record Keeping: The Academy will keep a record of all appeals, decisions and recommendations of the Complaints Panel.

The complaints records are logged and managed by Elevate's Compliance Officer.

Vexatious Complaints: If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied.

Please see the Unacceptable Behaviour policy and the Unreasonably Persistent Complainant's policy below.

Education Skills and Funding Agency (ESFA): Complaints can be made directly to the ESFA via the Department for Education's School Complaint Form online or by post to;

Ministerial and Public Communications Division
Dept for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

The ESFA will only look at complaints that fall into the following areas:

- Undue delay or non-compliance with the Academy complaints procedure;
- Failure to comply with the terms of the Academy Funding Agreement;
- Failure to comply with any other legal obligation.

Unacceptable Behaviour Policy

Elevate and their Academies have a duty to ensure the safety and welfare of children and adults including parents, staff, governors and volunteers.

Elevate and their Academies are committed to dealing with all complaints fairly and impartially and to provide a high quality service to those who make them. As part of this service it would not normally limit the contact complainants have. However, Elevate and their Academies do not expect the Academy staff, volunteers or governors to tolerate behaviour by complainants which is unacceptable, for example, which is abusive, offensive or threatening, and they will take action to protect staff from that behaviour. This applies to unacceptable behaviour on any part of the Academy's premises, including the land.

If the Head teacher considers that a complainant's behaviour is unacceptable the complainant will be told why their behaviour is deemed to be unreasonable and will be asked to change it. If the unacceptable behaviour continues the Head teacher will take action to restrict the complainant's contact with the Academy.

Unacceptable Actions and Behaviour:

These are some of the actions and behaviours of unreasonable and unreasonably persistent complainants which Academies often find problematic. It is by no means an exhaustive list and local factors may vary, but these are examples that frequently come to our attention:

- Foul and abusive language towards staff, other parents, volunteers, governors and children;
- Behaviour that staff, volunteers or governors consider to be harassing and intimidating, including in person, over the telephone, through social media or any other type of communication;
- Undermining Elevate's and their Academies policies by actively encouraging children to ignore staff requests;
- Making unnecessarily excessive demands on the time and resources of staff or governors, by for example excessive telephoning or sending emails to numerous staff, writing lengthy complex letters every few days and expecting immediate responses;
- Combinations of some or all of these.

Any restrictions imposed will be appropriate and proportionate.

The options most likely to be considered are:

- requesting contact in a particular form (for example, letters only);
- requiring contact to take place with a named member of staff;
- restricting telephone calls to specified days and times; and/or
- asking the complainant to enter into an agreement about their conduct.

The decision to restrict access to an Academy will be taken by the Head teacher, in consultation with Elevate.

In all cases we will write to tell the complainant why we believe his or her behaviour is unacceptable, what action we are taking and the duration of that action.

Where a complainant continues to behave in a way which is unacceptable, the Academy may decide to terminate contact with that complainant and discontinue any investigation into their complaint. However, the local governing body may seek to limit any access which may be

detrimental to any children who attends the Academy, as far as is reasonable within these circumstances e.g. access to parent's evenings, newsletters, and any other correspondence.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of the Academy's staff, volunteers or governors, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

Unreasonably Persistent Complainants Policy

Where a complainant tries to re-open the issue with the Academy after the complaints procedure has been fully exhausted and the Academy has done everything it reasonably can in response to the complaint, the chair of governors (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the Academy again about the same issue, the Academy can choose not to respond. The normal circumstance in which we will not respond is if:

- The Academy has taken every reasonable step to address the complainant's needs, *and*
- The complainant has been given a clear statement of the Academy's position and their options (if any), *and*
- The complainant is contacting the Academy repeatedly but making substantially the same points each time.

However, this list is not intended to be exhaustive.

The Academy will be most likely to choose not to respond if:

- They have reason to believe the individual is contacting the Academy with the intention of causing disruption or inconvenience, and/or
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- The individual makes insulting personal comments about, or threats towards, Academy staff, volunteers or governors.

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the Academy has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The Academy will ensure when making this decision that complainants making any new complaint are heard, and that the Academy acts reasonably.

Unreasonably persistent complaints:

Elevate and their Academies are committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who make them. As part of this service it does not normally limit the contact complainants have with their Academy.

However, there are a small number of complainants who, because of their frequent contact with their Academy, hinder consideration of their or other people's, complaints. Such complainants are referred to as 'unreasonably persistent complainants' and, exceptionally, the Head teacher will take action to limit their contact with the Academy.

Actions and behaviour of unreasonable and unreasonably persistent complainants:

These are some of the actions and behaviours of unreasonable and unreasonably persistent complainants which Academies often find problematic. It is by no means an exhaustive list and factors may vary, but they are examples that may come to our attention:

- Refusing to specify the grounds of a complaint, despite offers of assistance with this from the Academy's staff;
- Refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- Refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure's scope;
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- Making what appear to be groundless complaints about the staff dealing with the complaints, and seeking to have them replaced;
- Changing the basis of the complaint as the investigation proceeds and/or denying statements he or she made at an earlier stage;
- Introducing new information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed questions which are particularly time consuming and costly to respond to and insisting they are all fully answered;
- Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved;
- Adopting a 'scattergun' approach: pursuing a complaint or complaints with their Academy and, at the same time, with a Member of Parliament/a councillor/the authority's independent auditor/the Local Authority/local police/solicitors/the Ombudsman/OFSTED;
- Making unnecessarily excessive demands on the time and resources of staff, volunteers or governors whilst a complaint is being looked into, by for example excessive telephoning or sending emails to numerous Academy staff, volunteers or governors writing lengthy complex letters every few days and expecting immediate responses;
- Submitting repeat complaints, after complaints processes have been completed, essentially about the same issues, with additions/variations which the complainant insists make these 'new' complaints which should be put through the full complaints procedure;
- Refusing to accept the decision – repeatedly arguing the point and complaining about the decision;
- Combinations of some or all of these.

The decision to restrict access to their Academy will be taken by the Head teacher in consultation with Elevate and will normally follow a prior warning to the complainant. Any restrictions imposed will be appropriate and proportionate. The options we are most likely to consider are:

- requesting contact in a particular form (for example, letters only);
- requiring contact to take place with a named member of staff;
- restricting telephone calls to specified days and times; and/or
- asking the complainant to enter into an agreement about their future contacts with us.

In all cases where Elevate and their Academies decide to treat someone as an unreasonably persistent complainant, we will write to tell the complainant why we believe his or her behaviour falls into that category, what action we are taking and the duration of that action. We will also tell them how they can challenge the decision if they disagree with it. If we decide to carry on treating someone as an unreasonably persistent complainant and we are still investigating their complaint six months later, we will carry out a review and decide if restrictions will continue.

Where a complainant whose case is closed persists in communicating with us about it, we may decide to terminate contact with that complainant. In such cases, we will read all correspondence from that complainant, but unless there is fresh evidence which affects our decision on the complaint we will simply acknowledge it or place it on the file with no acknowledgement.

New complaints from people who have come under the unreasonably persistent complainant's policy will be treated on their merits.

Appendix A: Checklist

Checklist for a Panel Hearing:

- The hearing is as informal as possible;
- Witnesses are only required to attend for the part of the hearing in which they give their evidence;
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses;
- The Head teacher may question both the complainant and the witnesses after each has spoken;
- The Head teacher is then invited to explain the Academy's actions and be followed by the Academy's witnesses;
- The complainant may question both the Head teacher and the witnesses after each has spoken;
- The Panel may ask questions at any point;
- The complainant is then invited to sum up their complaint;
- The Head teacher is then invited to sum up the Academy's actions and response to the complaint;
- Both parties leave together while the Panel decides on the issues;
- The chair explains that both parties will hear the Panel within a set time-scale.

Appendix B: Summary of dealing with complaints

If a formal complaint is made, Stage 2 of the procedure is automatically invoked.



Appendix C: Complaint Form

SOWERBY PRIMARY ACADEMY - COMPLAINT FORM

Please complete and return to the Head teacher
or if the complaint is about the Head teacher to the Chair of Governors.

Your Name

Child's name

Your relationship to the Child (if relevant)

Address

.....

Email Address:

Telephone number (day)

Telephone number (evening)

Please give brief details of your complaint

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What action, if any, have you already taken to try to resolve your complaint? (Who did you speak to and what was their response?)

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What actions do you feel might resolve the problem at this stage?

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Are you attaching any paperwork? If so, please give details:

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Signature (Complainant)

Date