



## **William Law C E Primary Academy**

### **Complaints Policy**

Policy shared with staff on Intranet [by email/staff briefing]

Policy confirmed by the Governing Body of William Law CE Primary Academy on:

Date: 19<sup>th</sup> September 2018

Signature: Kristian Toms

Policy to be reviewed on: September 2019

*This policy is written in line with the Christian values and ethos of our school*

**This policy is directly in line with guidance from the Department of Education and must be followed in all cases.**

William Law CE Primary Academy is an Academy.

A school day is a working day.

The aim of this policy is to ensure that a complaint (should cause arise) is handled sympathetically, efficiently and at the appropriate level, and resolved as soon as possible.

Doing so is:-

- Good for relationships
- Good education practice
- Good business practice

The Academy needs to know as soon as possible if there is any cause for dissatisfaction. Parents and students should never feel – or be made to feel – that a complaint, made in a reasonable and appropriate way, will be taken amiss or will reflect adversely on the student or his/her opportunities at the Academy. The Academy will investigate and try to resolve every complaint in a positive manner and recognises that a complaint which is not resolved quickly and fairly can soon become a cause of resentment, damaging to relationships and also to the internal culture.

The Academy will seek to resolve all complaints through the informal stages but depending on the nature of the complaint, there may be a need to follow the Academy's formal complaints procedure. The complaint will not be investigated if the parent does not have a child at the Academy, and will not be investigated if the complaint is brought more than 5 months from the original incident.

The prime aim of the 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 made by parents or the community or members of staff may incur appropriate legal action by the Academy

William Law CE Primary Academy Complaints Policy has four main stages. In summary these are as follows:

Stage 1 - A concern is raised informally with a staff member

Stage 2 - Formal complaint is heard by a senior teacher/Deputy/Assistant Head

Stage 3A - Complaint is heard by the Headteacher

Stage 3B – Complaint is heard by the Chair of Governors

Stage 4 - Complaint is heard by the Governing Body's Complaints Appeal Panel.

### **Time limits**

Every effort will be made to keep to the stated timescales. However if the complaint requires additional time to investigate thoroughly, you will be notified of the change in timescales.

### **Vexatious Complaints**

There will be occasions when, despite all stages of the procedures having been

followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

The Governing Body has a policy regarding vexatious complaints/ harassment (appendix1) and will act according to this policy

### **Stage One: Complaint Heard by Staff Member**

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the Academy can be crucial in determining whether the complaint will escalate. To that end, if staff are made aware of the procedures, they know what to do when they receive a complaint. In most cases the first person to speak to will be the class teacher. The class teacher may refer the complainant to another staff member if appropriate. Please do not arrive at the Academy expecting to be seen by a member of staff as they are very likely to be teaching. Please make an appointment to see the class teacher. This will ensure sufficient time is allocated to listen carefully to your concerns. The matter may be able to be resolved through this discussion or may require the teacher to investigate or discuss with others. If this is the case, you will receive an informal but informed response within a day or two. The majority of concerns will be satisfactorily dealt with in this way. However if you are not satisfied with the outcome at stage 1, please write to the Academy within 10 Academy working days and state why you do not think that the concern has been dealt with to your satisfaction. The Academy will then look at your complaint at the next stage.

### **Stage Two: Complaint Heard by Senior Teacher/Deputy Headteacher/Assistant Headteacher**

Formal complaints shall be put in writing and addressed to either a senior teacher, Deputy Headteacher or Assistant Headteacher. The names of these staff will be provided by the Clerk to the governors. The complaint will be logged including the date received and the Academy will acknowledge receipt of the complaint within 3 working days. In many cases this response will also report on the action the Academy has taken to resolve the issue. Alternatively, a meeting may be convened to discuss the matter further. This meeting will take place within 10 Academy 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 the Academy within 10 working days of getting our response. You will need to inform the Academy of your reasons why you do not think that the concern has been dealt with to your satisfaction.

### **Stage Three A: Complaint heard by the Headteacher**

If the matter has not been resolved at Stage 2, the Headteacher will arrange further investigation. Following the investigation she/he will give a written response within 14 working days. If you are dissatisfied with the result at stage 3A, you should let the Academy know within 10 working days of getting the response, again giving your reasons why.

### **Stage Three B: Complaint heard by the Chair of Governors**

If the matter has not been resolved at Stage 3A, the Chair of Governors can be written to. He/she will arrange further investigation. Following the investigation she/he will give a written response within 14 working days. If you are dissatisfied with the result at stage 3B, you should let the Chair of Governors know within 10 working days of getting the response, again giving your reasons why.

## **Stage Four: Complaint Heard by Governing Bodies Complaints Appeal Panel**

If the complaint has not been resolved at Stage 3, you should re-write to the Chair of Governors at the Academy address giving details of the complaint. The Chair, or a nominated governor, will convene a complaints panel.

Individual complaints would not be heard by the whole Governing Body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

At least one member of the panel is independent of the management and running of the Academy. The panel cannot be made up solely of Governing Body members because they are not independent of the management and running of the Academy. It is a matter for the Academy to identify suitably independent individuals who can fulfil the role and responsibility of being the independent member.

The panel will comprise of three people who have not been directly involved in the matters detailed in the complaint. The hearing will normally take place within 10 working days of the receipt of the written request for a stage 4 investigation. Parents will be invited to attend the hearing and, if they wish, may be accompanied. The aim of the Panel is to impartially resolve the complaint and to achieve reconciliation between the Academy and the complainant. All parties will be notified of the Panel's decision in writing within five Academy working days after the date of the hearing.

The letter will explain if your complaint is entitled to further investigation by any other body, or whether you have the right to take this matter to any other official body and if so, to whom they need to be addressed.

### **The governors' appeal hearing is the last Academy-based stage of the complaints process**

#### **Complaints about the conduct of the Headteacher.**

In cases where the matter concerns the conduct of the Headteacher, the Headteacher and Chair of Governors must both be informed in writing of your complaint. The Chair will arrange for the matter to be investigated as at Stage Three of the formal procedure. The Chair will give a written response within 14 working days. If you are dissatisfied with the result the complaint will be referred to the Complaints Appeal Panel as at Stage 4 above.

The complaint review panel's decision will usually be final. As an Academy there is no right of informal complaint to the Local Education Authority.

If the LA receives an anonymous complaint, the details will be passed to the Academy, but it will be at the Academy's discretion if this is investigated. NB. This will not apply in relation to issues connected with Child Protection.

#### **Stage 5 – Complaints to the Secretary of State**

If you wish to pursue the complaint, you have recourse to the Secretary of State or, if the complaint is against action taken, or not taken by the Academy, it is possible for that complaint to be referred to the Local Government Ombudsman.

We would advise that, unless the Academy has acted unreasonably or not to have followed our own procedures, there is little further action that can be taken. This is because Governing Bodies are empowered to deal with many issues without reference to either the LA or Secretary of State.

Following the outcome of stage 4 of this procedure, complaints regarding Academies may be considered by the Education Funding agency only in specific circumstances shown below:

The EFA can only look at complaints about academies that fall into the following two areas.

- a.** The academy did not comply with its own complaints procedure when considering a complaint or the academy's complaints procedure does not comply with statutory requirements

The EFA cannot review or overturn an academy's decisions about complaints but will look at whether the academy considered the complaint appropriately. The EFA will generally only do this after a complaint has been through the academy's own procedure but may investigate sooner if there is evidence of undue delays by the academy. If the EFA finds that an academy did not deal with a complaint appropriately it will request that the complaint is reconsidered. Similarly, if the academy's complaints procedure does not meet statutory requirements then the EFA will ensure this is put right.

- b.** The academy has failed to comply with a duty imposed on it under its funding agreement with the Secretary of State.

One of the EFA's main responsibilities is to ensure that academies comply with their funding agreement with the Secretary of State. The EFA will seek to resolve any concerns regarding potential or actual breaches of the funding

## **POLICY FOR DEALING WITH PERSISTENT OR VEXATIOUS COMPLAINTS / HARASSMENT IN ACADEMYS**

The Headteacher and staff deal with specific complaints as part of their day- to-day management of the Academy in accordance with the Academy's Complaints Procedure. The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant.

However, there are occasions when complainants behave in an unreasonable manner when raising and/or pursuing concerns. In these circumstances the Academy may take action in accordance with this policy.

### **1. AIMS OF POLICY**

The aims of this policy are to:

- uphold the standards of courtesy and reasonableness that should characterise all communication between the Academy and persons who wish to express a concern or pursue a complaint
- support the well-being of students, staff and everyone else who has legitimate interest in the work of the Academy, including governors and parents
- deal fairly, honestly and properly with those who make persistent or vexatious complaints and those who harass members of staff in Academy while ensuring that other stakeholders suffer no detriment.

### **2. PARENTS' EXPECTATIONS OF THE ACADEMY:**

Parents/carers/members of the public who raise either informal or formal issues or complaints with the Academy can expect the Academy to:

- Inform parents of the complaints procedure
- Inform parents of the the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment in Academics
- respond within a reasonable time
- be available for consultation within reasonable time limits bearing in mind the needs of the pupils/students within the Academy and the nature of the complaint
- respond with courtesy and respect
- attempt to resolve problems using reasonable means in line with the Academy's complaints procedure, other policies and practice
- keep complainants informed of progress towards a resolution of the issues raised

### **3. THE ACADEMY'S EXPECTATIONS OF PARENTS/CARERS/MEMBERS OF THE PUBLIC**

The Academy will expect parents/carers/members of the public who wish to raise problems with the Academy to:

- treat all Academy staff with courtesy and respect

- respect the needs and well-being of pupils and staff in the Academy
- avoid any use, or threatened use, of violence to people or property
- avoid any aggression or verbal abuse
- recognise the time constraints under which members of staff in Academics work and allow the Academy a reasonable time to respond
- recognise that resolving a specific problem can sometimes take some time
- (in the case of a complaint) follow the Academy's Complaints Procedure
- If the above are not adhered to the Academy will refuse to investigate until the above behaviour is evident

#### **4. WHO IS A PERSISTENT COMPLAINANT?**

For the purpose of this policy, a persistent complainant is a parent/carer or member of the public who complains about issues, either formally or informally, or frequently raises issues that the complainant considers to be within the remit of the Academy and whose behaviour is unreasonable. Such behaviour may be characterised by:

- actions which are obsessive, persistent, harassing, prolific, repetitious
- prolific correspondence or excessive e-mail or telephone contact about a concern or complaint
- an insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes
- an insistence upon pursuing complaints in an unreasonable manner
- an insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example, if the desired outcome is beyond the remit of the Academy because it is unlawful.

For the purpose of this policy, harassment is the unreasonable pursuit of such actions as above in such a way that they:

- appear to be targeted over a significant period of time on one or more members of Academy staff and/or
- cause ongoing distress to individual member(s) of Academy staff and/or
- have a significant adverse effect on the whole/parts of the Academy community and/or
- are pursued in a manner which can be perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health.

#### **5. THE ACADEMY'S ACTIONS IN CASES OF PERSISTENT OR VEXATIOUS COMPLAINTS OR HARASSMENT**

In the first instance the Academy will verbally inform the complainant that his/her behaviour is considered to be becoming unreasonable/unacceptable and, if it is not modified, action may be taken in accordance with this policy. This will be confirmed in writing.

If the behaviour is not modified the Academy will take some or all of the following actions as necessary, having regard to the nature of the complainant's behaviour and the effect of this on the Academy community:

- inform the complainant in writing that his/her behaviour is now considered by the Academy to be unreasonable/unacceptable and, therefore, to fall under the

terms of this policy

- inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties
- inform the complainant that, except in emergencies, all routine communication with the complainant to the Academy should be by letter only
- (in the case of physical or verbal aggression) refer to Joint Local Authority-Police Guidance for Academics, "Dealing with Abuse, Threats and Violence Towards Academy Staff", and consider warning the complainant about being banned from the Academy site; or proceed straight to a temporary ban.
- consider taking advice on pursuing a case under Anti-Harassment legislation
- Reporting violent and threatening behaviour or behaviour which harasses any member of staff or shows discrimination to any member of staff to the police.

If a complainant's persistent complaining/harassing behaviour is modified and is then resumed at a later date within a reasonable period of time, the Academy may resume the complaints process identified above at an appropriate level.

## **6. REVIEW**

The Academy will review as appropriate, and at a minimum once in a Academy year, any sanctions applied in the context of this policy.