

COMPLAINTS POLICY

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INTRODUCTION

1. The following policy applies to concerns, other than:
 - a. those relating to the statementing of students with special educational needs which are governed by a separate statutory process;
 - b. admissions to schools where concerns should be raised directly with the Local Authority;
 - c. matters likely to require a Child Protection Investigation which should be raised with Children's Services;
 - d. exclusions, which are covered by the Federation Exclusion Policy;
 - e. whistleblowing, which is covered by the Federation Whistleblowing Policy;
 - f. staff grievances and disciplinary procedures, which are covered in the Federation Disciplinary Policy;
 - g. complaints about services provided by other providers who may use the premises, who should have their own complaints procedures.

2. The matters covered by the Complaints Policy are:
 - a. policies and decisions made by individual teachers, teams of teachers, the Executive Principal, the Governing Body or the Board of Directors;
 - b. procedures, following from policies or decisions, carried out by individual teachers, teams of staff, the Executive Principal, the Governing Body or the Board of Directors;
 - c. the actions of individual teachers, teams of staff, the Executive Principal, the Governing Body, or the Board of Directors in fulfilling their duties;
 - d. the quality of teaching;
 - e. incidents which occur in the Federation involving students.

3. The Federation expects complaints to be made within 6 months of the issue arising.

4. The Complainant may make representations at each stage of the procedure in writing or in person, accompanied by a friend if so desired. If necessary, steps will be taken to ensure that information is available to Complainants in languages other than English, and arrangements will be made for an interpreter to be present during any oral representations. Complaints should be made in writing (using Annex A).

5. At each stage, the person investigating the complaint should ensure that they:
- establish what has happened so far, and who has been involved;
 - clarify the nature of the complaint and what remains unresolved;
 - meet with the Complainant or contact them (if unsure or further information is necessary);
 - clarify what the Complainant feels would put things right;
 - interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
 - conduct the interview with an open mind and be prepared to persist in the questioning and keep notes of the interview;
 - set realistic and reasonable time limits for each action within each stage.
6. At each stage in the procedure, the Federation will consider ways to resolve a complaint. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:
- an apology;
 - an explanation;
 - an admission that the situation could have been handled differently or better;
 - an assurance that the event complained of will not recur;
 - an explanation of the steps that have been taken to ensure that it will not happen again;
 - an undertaking to review policies in light of the complaint.

Complainants should be encouraged to state what actions they feel might resolve the problem at any stage.

An admission that the Federation could have handled the situation better is not the same as an admission of negligence. It is important to clarify any misunderstandings that might have occurred in order to create a positive atmosphere in which to discuss any outstanding issues.

7. All complaints will be recorded and kept confidential.
8. The policy consists of four stages:
- STAGE 1 – complaint been discussed and resolved with the member of staff with whom the complaint has been raised.
- STAGE 2 – complaint been discussed and resolved by the link Vice Principal or Head of School for the member of staff with whom the complaint has been raised.
- STAGE 3 - formal written complaint to the Executive Principal.
- STAGE 4 - referral of the complaint by the Executive Principal to the hearing panel.

If, after all stages of the Complaints Policy have been followed, the Complainant tries to reopen the same issue, the Chair of Governors should inform the Complainant, in writing, that the policy has been exhausted and that the matter is now closed from the Governing Body's point of view.

STAGE 1: complaint heard by staff member.

1. It is expected that any concerns expressed by parents and others, verbally or in writing, will, in the first instance, be dealt with by the member of staff with whom the concern has been raised.
2. If the complainant is dissatisfied with the outcome of the complaint it may be referred to Stage 2. If the complainer does not feel able to raise the complaint direct with the member of staff, Stage 2 must be followed.

STAGE 2: complaint heard by a link Vice Principal or Head of School.

1. The complaint will be heard internally by a member of the Senior Leadership Team (SLT) whom is neither the Executive Principal or the subject of the complaint. If the Complainant is dissatisfied with the outcome, they may then submit a formal complaint to the Executive Principal as described in Stage 3. In every case, an initial response will be provided as soon as possible and in any event within 5 school days, with a final resolution of issues arrived at as soon as possible.
2. If the initial complaint is made to a Governor, the Governor should refer the Complainant to the appropriate person, normally the Executive Principal, and advise them about this policy. Governors do not have the authority to act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages, as it would prejudice their possibility of involvement at a later stage. The full Governing Body should never hear a complaint as it would prejudice any further stage. They should delegate the matter to be dealt with under Stage 3 of this policy if all previous stages have been exhausted.

If the complaint cannot be resolved by the member of SLT, the matter will be raised at Stage 3.

STAGE 3: complaint heard by the Executive Principal.

1. Unless the Executive Principal is the subject, the Complainant will be heard by the Executive Principal. The complaint must be made in writing to the Executive Principal, making it clear that the complaint is formal, and specifying its nature as exactly as possible.

2. If, in the Executive Principal's view, the complaint falls outside the scope of this policy, the Executive Principal will advise the Complainant of any other recourse they may have.
3. The Executive Principal will acknowledge receipt of a complaint in writing within 5 school days. The Executive Principal will normally consider the complaint within 10 school days, however, he/she will write to the Complainant to inform them if further time is needed.
4. The Executive Principal, or a Vice Principal/Head of School who has not previously been involved, will investigate the circumstances and talk to all the various parties involved, keeping notes of the details of the complaint and the views of those involved.
5. When the Executive Principal is in possession of all the facts, he/she should see the Complainant and attempt to resolve the situation.
6. The Executive Principal may enlist Governors, who would not be involved in Stage 3 of this policy, if he/she thinks this would be beneficial.
7. The Executive Principal will inform the Complainant, in writing, within 15 school days of:
 - a. the decision reached, and the reason for it; and
 - b. any action taken or proposed;
 - c. further investigations that are required.
8. If the Complainant is dissatisfied with the Executive Principal's response, the matter must be referred to the hearing panel who have had no previous involvement with the complaint, via the Clerk to the Governors (see Stage 4).

STAGE 4: complaint heard by Governors' hearing panel

1. The Clerk to the Governors forms a hearing panel consisting of the Chair of this committee, two other Governors or Directors (in the case of issues of finance or staffing), and one member independent of the management and running of the Federation. These Governors must have had no previous involvement with the complaint. Full details of all the facts gathered so far are passed only to these three Governors/Directors.
2. Upon receipt of a complaint referred by the Executive Principal, the Clerk will write to the Complainant with details of how the hearing panel will consider the complaint and of the Complainant's rights.
3. The complaint will normally be heard within 20 school days. The Clerk will give the Complainant a minimum of 5 ordinary days' notice of the date, time and place of the meeting; any reasonable request made by the Complainant for an alternative date should result in a mutually convenient alternative date being set at the earliest possible time. Complainants who do not wish to attend a meeting may present the complaint in

writing to the Chair of the hearing panel. However, Complainants must submit any material to the Clerk no later than 2 school days before the meeting.

4. The Complainant can be accompanied by a friend. Staff should normally be represented by the Executive Principal rather than appear themselves. The Executive Principal may also have an adviser present. The Clerk should also be present to record the proceedings.
5. Where Complainants choose to attend in person, the usual order of proceedings shall be as follows:
 - The Chair of the hearing panel will welcome the Complainant and any representative, and introduce those present.
 - Complainants may, if they choose, restate the nature of the complaint.
 - Complainants may be asked questions by the hearing panel and by the Executive Principal.
 - The Executive Principal may be asked to make a statement to the hearing panel regarding the matter complained of, and may be asked questions by the hearing panel or by the Complainant.
 - Complainants may, if they choose, summarise the complaint.
 - The Executive Principal, Complainant and any friend or representative they have brought, will be asked to leave.
 - In private, the panel will discuss the issues raised and agree any action to be taken. The Clerk should remain to record any conclusions reached. All parties should, wherever possible, be informed verbally of those conclusions immediately after that meeting. This should then be confirmed in writing by the Clerk within 5 working days.
6. The hearing panel shall decide whether or not to:
 - a. reject the complaint wholly or partially; or
 - b. uphold the complaint wholly or partially; or
 - c. investigate the complaint further;
 - d. recommend changes to policy to ensure that problems of a similar nature to do not recur.
7. At the next full Governors' or Directors' meeting, a simple statement should be made that a panel has met to consider a complaint. Proceedings should be kept confidential and no further details should be given.
8. Any recommendations as a result of the complaint should be treated in general rather than specific terms.
9. Separate action will be taken as appropriate if, in the course of consideration of a complaint, it is decided that disciplinary proceedings should be initiated.

10. If the Complainant remains dissatisfied and tries to reopen the same issue, the Chair of the Governing Body will inform them in writing that the matter has been exhausted and the matter is now closed. If the Complainant writes again on the same issue then the correspondence may be seen as vexatious and the Federation has no obligation to respond.

SERIAL AND PERSISTENT COMPLAINANTS

1. The Federation should do their best to be helpful to people who contact them with a complaint, concern, or a request for information. However, in cases where the Federation is contacted repeatedly by an individual making the same points, or who asks them to reconsider their position, they will need to act appropriately.
2. There will be occasions when, despite all stages of the complaint procedure having been followed, the Complainant remains dissatisfied. It is important that the Federation recognises when they have done everything they can in response to a complaint. It is a poor use of time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a Complainant tries to re-open the same issue, the Executive Principal should inform them that the procedure has been completed and that the matter is now closed.
3. The decision to stop responding should never be taken lightly, but the Executive Principal should consider whether:
 - a. the Federation has taken every reasonable step to address the Complainant's needs;
 - b. the Complainant has been given a clear statement of the Federation's position and their options (if any); and
 - c. the Complainant is contacting the Federation repeatedly but making substantially the same points each time.
 - d. there is reason to believe the individual is contacting them with the intention of causing disruption or inconvenience.
 - e. the Complainant's correspondence has become abusive or aggressive.

Ultimately, if a Complainant persists to the point that the Federation considers it to constitute harassment, legal advice should be sought regarding the next steps.

UNREASONABLE COMPLAINTS

1. The Federation is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. 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.
2. The Federation defines unreasonable Complainants as 'those who, because of the frequency or nature of their contacts with the Federation, hinder our consideration of their or other people's complaints'.

3. A complaint may be regarded as unreasonable when the person making the complaint:
 - a. refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
 - b. refuses to cooperate with the complaints investigation process while still wishing their complaint to be resolved;
 - c. refuses to accept that certain issues are not within the scope of a complaints procedure;
 - d. insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
 - e. introduces trivial or irrelevant information which the Complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
 - f. makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
 - g. changes the basis of the complaint as the investigation proceeds;
 - h. repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
 - i. refuses to accept the findings of the investigation into that complaint where the Federation's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
 - j. seeks an unrealistic outcome;
 - k. makes excessive demands on Federation 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.
4. A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:
 - a. maliciously;
 - b. aggressively;
 - c. using threats, intimidation or violence;
 - d. using abusive, offensive or discriminatory language;
 - e. knowing it to be false;
 - f. using falsified information;
 - g. publishing unacceptable information through a variety of media such as on social media websites and newspapers.
5. Complainants should limit the numbers of communications with the Federation 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.
6. If the behaviour continues, the Executive Principal will write to the Complainant explaining that their behaviour is unreasonable and asking them to change it. For Complainants who cause a significant level of disruption, the Executive Principal may

specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

7. In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the Police informed. This may include banning an individual from the site.

ANNEX A COMPLAINTS FORM

Your name	
Relationship with the Federation (e.g. parent)	
Student name	
Relationship to the student	
Address	
Postcode	
Telephone number	
Please give details of your complaint	
<p>What action, if any, have you already taken to try and resolve your complaint? (Who did you speak to and what was their response)</p> <p>Where possible we would encourage you to speak to the member of staff directly in the first instance.</p>	
What actions do you feel might resolve the problem at this stage	
Have you attached any additional paperwork?	
Signature:	
Date:	

FOR OFFICIAL USE

Date complaint acknowledged:

By whom:

Complaint referred to:

Date:

ANNEX B

CHECKLIST FOR COMPLAINTS PANEL MEETING

Where possible, the Complaint Panel hearing should follow the format laid out below:

- Witnesses are only required to attend for the part of the meeting in which they are giving their evidence.
- After introductions, the Complainant is invited to explain their complaint and be followed by their witnesses.
- The Executive Principal may question both the Complainant and the witnesses after each has spoken.
- The Executive Principal is then invited to explain the Federation's actions and be followed by the Federation's witnesses.
- The Complainant may question both the Executive Principal 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 Executive Principal is then invited to sum up the Federation's actions and response to the complaint.
- Both parties leave together while the committee decides on the issues.