



## PROCEDURES FOR THE HANDLING OF COMPLAINTS

**This procedure will comply with The Education (Independent School Standards England) Regulations 2014**

### **1. Introduction and scope**

The policy of the academy is to work in partnership with parents and the wider community. It is based on the belief that co-operation and a sense of joint purpose between staff, parents and the academy will assist in ensuring open and positive relationships. From time to time, however, parents and members of the public may express concern or make a complaint, either orally or in writing, about some aspect of the conduct/operation of the academy, the conduct of the Headteacher, an individual member of staff, the Governing Body or an individual governor.

The academy will always give serious consideration to concerns and complaints that are brought to its attention. However, anonymous complaints will not normally be considered. In considering concerns or complaints, the academy will ensure that they are dealt with effectively and with fairness to all parties. Where possible, complaints will be resolved informally. Where a complaint has not been resolved informally, then the formal procedures set out in section "5(ii)" below will be followed.

The academy will not tolerate any abusive or aggressive behaviour from complainants and will terminate any discussions / meetings where such behaviour is in evidence.

### **2. Information for complainants**

A copy of the complaints procedures can be found on the academy website.  
A written copy may be obtained upon request from the Academy.

### **3. What is a concern or complaint?**

(a) A concern or complaint is defined as an expression of dissatisfaction about the conduct/operation of the academy, the conduct of, actions or lack of actions by a member of staff/the Governing Body/an individual governor, unacceptable delay in dealing with a matter or the unreasonable treatment of a student or other person.

(b) Concerns or complaints relating to any of the following are not covered by these procedures, as separate procedures apply.

- Child Protection
- Collective Worship
- Freedom of Information Access
- Pupil Exclusions
- School Admissions
- Services provided by other organisations on the school site or through the school
- Sex Education
- Staff grievance
- Statementing procedures for special educational needs

- Whistle-blowing by an employee
- (c) Serious complaints or allegations relating to the abuse of children, assault, criminal or financial matters are also subject to separate procedures. (See Section 9)

#### **4. Making a complaint - who to complain to:**

If the complaint is about:

- something that has happened or failed to happen in the academy, contact the Headteacher – see Section 5 below;
- the actions of the Headteacher, contact the Chair of Governors via the academy;
- the actions of a governor, contact the Chair of Governors via the academy;
- the Chair of Governors, contact the Clerk to Governors via the academy;
- the actions of the governing body, contact the Clerk to Governors via the academy.

The academy and Governing Body would in most cases hope to resolve concerns and complaints at an informal stage, but the procedures allow for formal consideration of a complaint and an appeal stage if matters cannot be resolved.

The academy is committed to dealing with complaints as speedily as possible and would plan to complete each stage within 20 school days. From time to time, it may not be possible to complete the process in that timescale. Where that is not possible the complainant will be informed of any delays if these are as a result of the academy's processes.

Where complaints are made against an individual member of the School staff, that person will be informed of the complaint at the earliest opportunity.

#### **5. The Complaints Procedures**

In dealing with complaints the academy will take account of its public sector equality duty and have due regard to the need to:-

- eliminate discrimination, harassment, victimisation and any other conduct prohibited by or under the Equality Act 2010
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

##### **(i) Informal stage**

The School will seek to resolve concerns and complaints informally, with the member of staff or governor concerned and encourages the complainant to discuss with them the matters causing them concern.

#### **HOW TO COMMUNICATE A CONCERN**

Informal Discussion - Most issues will be resolved by firstly, raising the concern with your child's **Form Tutor** whom she or he sees every day.

Contact can be made by either:-

- Telephone
- Letter
- Email

Each team of Form Tutors is led by a **Head of House**, who has overall responsibility for the students in a year group. If the Form Progress Tutor is unavailable, the **Head of House** will be able to discuss your concern.

If your concern is subject related, then a Head of Department who will be able to discuss your concern leads each subject.

Furthermore, the organisation of Hodgson is such that there is always a member of the academy's **Leadership Group** available to resolve any issues which you might like to raise, which of course will also cover concerns that you wish to raise that do not involve your child.

If you are not a parent of a child at the school then please ask for your concern to be raised with a member of the academy's **Leadership Group**.

Due to staff commitments during the working day the most appropriate method of contact is email from which you should expect a response within 72 hours (excluding weekends).

If following the above guidelines does not resolve the problem, then the matter should be brought to the formal attention of the **Headteacher** or Chair of Governors if the complaint relates to the actions of the Headteacher. In the following parts of the policy, the reference to Headteacher will refer to the Chair of Governors if the complaint relates the actions of the Headteacher.

The Headteacher will then seek to resolve the matter informally and will acknowledge the complaint. Following this they will delegate an appropriate leadership post-holder to:

- make enquiries to establish the facts;
- seek advice as appropriate;
- attempt to resolve the matter informally;
- establish whether or not the complainant is satisfied;
- advise complainants of the next stages if they wish to proceed to a formal consideration of the complaint;
- make a brief note of the complaint and the outcome.

This stage would normally be expected to be completed in 20 school days. A complainant wishing to proceed to the formal stage of the procedure should normally notify the Headteacher within 20 school days of being notified of the outcome of the informal stage.

The informal stage will not be used if the allegations made refer to:

- criminal activity which may require the involvement of the police
- financial or accounting irregularities
- abuse of children

## **(ii) Formal stage**

Where an informal complaint has not been resolved to the satisfaction of the complainant the Headteacher will:

- ensure the complainant is aware of the procedures;

- require a written record of the complaint (someone else may write this on behalf of the complainant);
- formally acknowledge the complaint;
- seek advice as appropriate;
- if the complaint concerns a member of staff (or governor) inform them and provide them with a copy of the complaint;
- arrange for a full investigation of the complaint, usually by a delegated member of the Senior Leadership Team who will prepare a report as a result of the investigation and consider actions to be taken;
- advise the complainant of the outcome
- Where it is considered no further action is needed or the complaint is unsubstantiated, the complainant should be advised in writing. They should also be informed of their right to appeal to the Complaints Appeals Committee within 20 school days. If the complaint is upheld then the actions to be taken as a result will normally be advised in writing unless circumstances dictate otherwise.
- make a record of the complaint and its outcome; this will be retained for academy records.

This stage would normally be expected to take no more than 20 school days. The Governing Body should be informed in general terms of all formal complaints.

### **(iii) Appeals stage**

The Complaints Appeals Committee of the Governing Body will consider complaints where the Headteacher has not been able to resolve the complaint to the satisfaction of the complainant and the complainant wishes to appeal. Any appeal must be made in writing to the Clerk to the Governing Body (the academy will advise the complainant of the contact details).

The Committee will be convened by the Clerk to the Complaints Appeals Committee (Governing Body). The Committee will consist of at least three people who are not directly involved in the matters detailed in the complaint and at least one committee member will be independent of the management and running of the academy. The Committee will:

- consider the written materials;
- consider the complaint and the Headteacher's action;
- invite the Headteacher and the complainant to the meeting. The complainant and Headteacher may be accompanied if they wish for this to be the case. Another appropriate member of the Senior Leadership Team may attend in place of or alongside the Headteacher. Reasonable notice will be given to all parties of the date and time of the hearing;
- seek advice and support as necessary.

At the end of their consideration the Committee will:

- determine whether to dismiss or uphold the appeal in whole or part, including, if appropriate, referring the matter back to the Headteacher for further consideration;
- where upheld, decide on appropriate action;
- advise the complainant and the Headteacher of their decision. Written responses will be provided as appropriate.
- advise the complainant of any further action they may wish to take if they remain dissatisfied.

The Clerk to the Committee will arrange for the School's Complaints Register to be amended to include a brief summary of the complaint and the decision of the Complaints Appeals Committee for the matter to be reported to the Governing Body.

This stage would normally be expected to take no more than 20 school days.

In cases where the matter has been referred back for further consideration the Complaints Appeals Committee will be reconvened.

#### **(iv) Further stages**

The Education and Skills Funding Agency (ESFA) will normally only consider a complaint about an academy after the academy's own complaints procedure has been exhausted.

The ESFA cannot review or overturn decisions about complaints made in respect of academies. The ESFA can only investigate whether the academy considered the complaint appropriately.

The ESFA 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
3. Where an academy has failed to comply with any other legal obligation

If the ESFA finds that an academy did not consider a complaint appropriately, it can request the academy to re-consider the complaint.

Complaints should be sent by post to:-

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

Alternatively, please use the Complaints Form that can be found at the following web address

[https://form.education.gov.uk/fillform.php?self=1&form\\_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form\\_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1](https://form.education.gov.uk/fillform.php?self=1&form_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1)

## **6. Serial and Unreasonable Complaints**

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 our 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.

The academy defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuses to co-operate with the complaints investigation process
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice

- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the 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.

Whenever possible, the Headteacher will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the academy causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from the academy.

## **7. Withdrawal of a complaint**

If the complainant wishes to withdraw their complaint, they will be asked to confirm this in writing.

## **8. Complaints about a governor, the Chair of Governors or the Governing Body**

Complaints about a governor should be referred to the Chair of Governors who will investigate and respond to the complainant. In dealing with this matter the Chair should seek appropriate advice.

The Complaints Appeals Committee would deal with any appeal against the Chair's response.

Complaints about the Chair of Governors must be referred to the Clerk to Governors who would arrange for the complaint to be considered by the Complaints Appeals Committee of the Governing Body.

## **9. Complaints Record**

The school will maintain a written record of all formal complaints, how they were dealt with and the outcome in a complaints register.

#### **10. Serious allegations or complaints**

If the allegations refer to criminal activity which may require the involvement of the Police, the Headteacher should inform the Chair of Governors and seek appropriate advice as necessary.

If the allegations relate to financial or accounting irregularities involving misuse of public funds or assets or any circumstances that may suggest irregularities affecting cash, stores, property, remuneration or allowances, the Headteacher should inform the Chair of Governors and seek the advice of the academy's auditors.

If the allegations relate to the abuse of children, the Headteacher should seek the advice of the Local Authority Designated Officer. Serious allegations of this nature **must** be referred under Child Protection Procedures.

In all the above, consideration needs to be given to the possible suspension\* from duty, on full pay, of any member of staff concerned in accordance with the School's Disciplinary and Dismissal Procedure. Investigations at school level and the stages set out in this procedure are unlikely to proceed where external agencies are involved.

Subsequently, an internal investigation and other procedures (eg Disciplinary) may be involved.

**THESE PROCEDURES CAN BE MADE AVAILABLE IN  
ALTERNATIVE FORMATS eg LARGE PRINT, BRAILLE &  
LANGUAGES OTHER THAN ENGLISH – PLEASE CONTACT  
THE ACADEMY FOR FURTHER ASSISTANCE. PLEASE ASK  
FOR THE ACADEMY FINANCE DIRECTOR.**

Reviewed by: Martin Pickles  
Approval Level: Board of Trustees  
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\* **Note:** Suspension is a neutral act and is not a disciplinary sanction