

# Complaints Policy and Procedures



## COMPLAINTS POLICY AND PROCEDURES

This policy and procedure is for the benefit of pupils, and parents of pupils, relating to all the schools in St Martin's Multi Academy Trust.

The Trust expects that most concerns can be resolved informally and will use their best endeavours to resolve any complaints, or any concerns that are raised, on that basis.

When a complaint occurs, the following principles will apply:

- Every complaint is taken seriously
- Resolution of problems will be by informal means wherever possible
- Each complaint will be handled by the most appropriate member of staff
- Procedures will be impartial and non-adversarial
- Complaints will be dealt with as swiftly as possible
- Confidentiality will be respected at all times

If informal procedures fail to resolve the issue, a formal complaint about any matter (not involving child protection allegations, internal assessment decisions or a decision to exclude a pupil, which all have a separate complaints policy), must be given verbally or in writing to the Headteacher of the relevant school and will be dealt with under this Complaints Policy and Procedure.

Complaints shall receive fair and proper consideration and a timely response. Parents can be assured that all complaints and expressions of concern, whether raised informally or formally, will be treated seriously and confidentially.

### **Stage One: Informal Stage**

Every effort is made to resolve a concern or complaint at this stage. A phone call or a meeting with a member of staff should be sufficient to resolve most concerns. On occasion a senior member of staff might become involved to help resolve an issue. The complainant may wish to meet with the Assistant Head or Head Teacher / Head of School to discuss their concerns. The member of staff will make clear the school's response to the concerns raised and may agree certain actions to help resolve the complaint.

### **Stage Two: Formal Stage**

Where the complainant is not satisfied with the response at stage one, they can choose to take the matter to the formal complaints stage. They should put their complaint in writing, addressed to the Head Teacher, or if the complaint is about the Headteacher then it should be addressed to the Executive Headteacher. The Headteacher will acknowledge the complaint and hold a meeting if necessary within five working days (a working day does not include weekends or school closure days eg. Holidays). The formal complaint will be investigated and the decision conveyed in writing within 15 working days of receiving the formal complaint.

The Head Teacher/Executive Headteacher can decide to:

- Dismiss the complaint in whole or part
- Uphold the complaint in whole or part
- Decide on the appropriate action to be taken to resolve the complaint
- Recommend changes to the school's systems or procedures to ensure that issues of a similar nature do not recur

The number and nature of formal complaints will be reported at the next full Directors' meeting via the Executive Head Teacher's report. No details of individuals will be contained in this report.

### **Stage Three: Final Stage – Directors’ Complaints Committee (Panel Hearing)**

If the complainant is not satisfied with the outcome of stage two, they can choose to take the matter to the next stage. They should request this in writing to the Chair of Directors. The Chair will convene a meeting of the Complaints Committee within 20 working days of receiving this letter.

The Complaints Committee will comprise of at least three people not directly involved in the matters detailed in the complaint, one of whom will be independent of the management and running of the school.

The complainant will be invited to attend the meeting/panel hearing and may be accompanied if they wish. The complainant will be given reasonable notice of the date of the panel hearing and clear information on the process to enable them to attend will be given.

It is vital that during the meeting all parties act in a reasonable way. Any behaviour which is aggressive or threatening will not be tolerated. If a complainant behaves unacceptably they may be asked to leave the meeting.

The Complaints Committee can decide to:

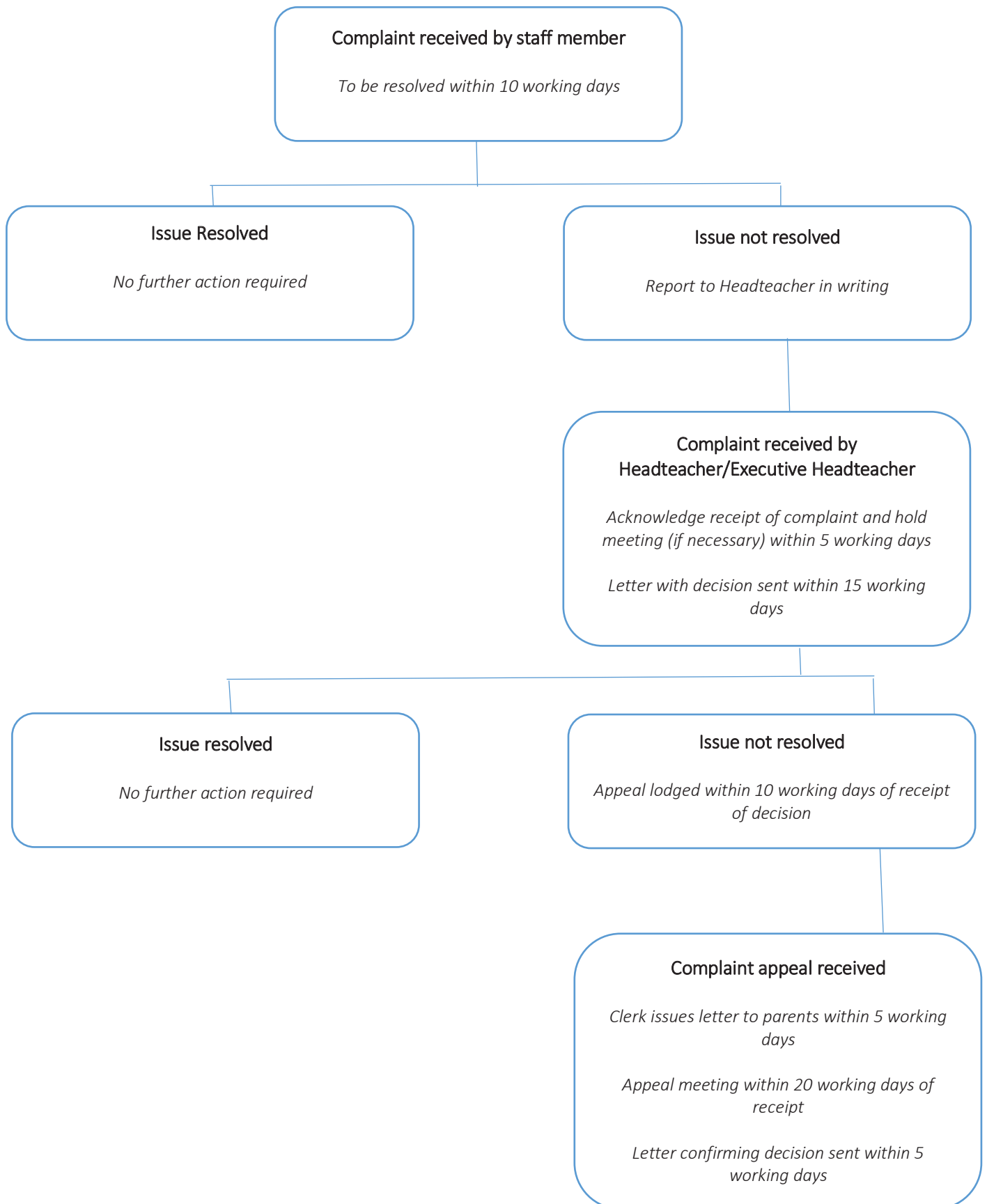
- Dismiss the complaint in whole or part
- Uphold the complaint in whole or part
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- Recommend changes to the school’s systems or procedures to ensure that issues of a similar nature do not recur

Once the Complaints Committee has reached a decision the Chair will inform all parties of the decision within 5 working days. At this point it should be made clear that the complaints procedure has been exhausted.

### **The Role of the Education & Skills Funding Agency (ESFA)**

As our schools are academies, the Local Authority cannot investigate complaints. The role of the ESFA is to check whether the complaint has been dealt with properly by the academy. The ESFA will not overturn an academy’s decision about a complaint. However, if the ESFA find an academy did not deal with a complaint properly, they will request the complaint is looked at again from the appropriate stage.

## Complaints Procedure Flowchart



## APPENDIX

### School Policy for Handling Unreasonably Persistent, Harassing or Abusive Complainants

The Executive Headteacher, Headteacher, Head of School and Directors are fully committed to the improvement of our schools. We welcome feedback from parents/carers and will always try to resolve any concerns as quickly as possible. There is a procedure for parents to use if they wish to make a formal complaint. Sometimes, however, parents or carers pursuing complaints or other issues treat staff and others in a way that is unacceptable. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour towards any members of the school community.

#### **What do we mean by ‘an unreasonably persistent complainant’?**

An unreasonably persistent complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include persons who pursue complaints in an unreasonable manner. Unreasonable behaviour may include:

#### **Actions which are:**

- Out of proportion to the nature of the complaint, or
- Persistent – even when the complaints procedure has been exhausted, or
- Personally harassing, or
- Unjustifiably repetitious

#### **An insistence on**

- pursuing unjustified complaints and/or
- unrealistic outcomes to justified complaints
- pursuing justifiable complaints in an unreasonable manner (eg using abusive or threatening language; or
- making complaints in public or via a social networking site such as Facebook; or
- refusing to attend appointments to discuss the complaint.

#### **What is ‘harassment’?**

We regard harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than to seek a resolution.

Behaviour may fall within the scope of this policy if:

- It appears to be deliberately targeted at one or more members of school staff or others, without good cause;
- The way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes undue distress to school staff or others;
- It has a significant and disproportionate adverse effect on the school community.

#### **What does the school expect of any person wishing to raise a concern?**

The school expects anyone who wishes to raise concerns with the school to:

- treat all members of the school community with courtesy and respect;
- respect the needs of pupils and staff within the school;
- not use violence, or threats of violence, towards people or property;
- recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to a complaint;
- follow the school’s complaints procedure.

However, in cases of unreasonably persistent complaints or harassment, the school may take some or all of the following steps, as appropriate:

- Inform the complainant informally that his/her behaviour is now considered by the school to be unreasonable or unacceptable, and request a changed approach;
- Inform the complainant in writing that the school considers his/her behaviour to fall under the terms of the Unreasonably Persistent, Harassing or Abusive Complaints Policy;
- Require all future meetings with a member of staff to be conducted with a second person present. In the interests of all parties, notes of these meetings may be taken;
- Inform the complainant that, except in emergencies, the school will respond only to written communication.

### **Physical or verbal aggression**

The governing body will not tolerate any form of physical or verbal aggression against members of the school community. If there is evidence of any such aggression the school may:

- ban the individual from entering the school site, with immediate effect;
- request an Anti-Social Behaviour Order (ASBO);
- prosecute under Anti-Harassment legislation.
- call the police to remove the individual from the premises, under powers provided by the Education Act 1996.

Legitimate new complaints will always be considered, even if the person making them is (or has been) subject to the Unreasonably Persistent Complaints/ Harassment Policy.

This policy was revised and adopted by the Board of Directors on

**7<sup>th</sup> July 2017**