

# Hilltop Primary Academy

## Complaints Policy & Procedure

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## Document Change History

Date:	Version:	Description of Changes:
09/23	2.0	Policy re-written.

## Mission Statement

*“To nurture and develop all people in our Trust so that they reach their full potential academically, vocationally, and personally, including being positive role models for future generations in the community. We will achieve this by providing high quality values-based education that cultivates employability and life skills making our schools the first choice for young people, parents, carers, staff and employers.”*

## Values

The values of Respect, Excellence, Collaboration, Independence, Perseverance, Enjoyment, Leadership, Integrity and Care are central to everything we do at the Skills for Life Trust.

## Statement of Equality

We have carefully considered and analysed the impact of this policy on equality and the possible implications for pupils with protected characteristics, as part of our commitment to meet the Public Sector Equality Duty (PSED) requirement to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations.

## Aims

This policy aims to provide parents, students, and the public with an accessible and easily understood procedure for complaints. The Academy would encourage parents and students to express their views at the earliest opportunity and through the appropriate channels. Parents should be assured that making a complaint will not adversely affect their child.

The Academy will try to resolve every concern, difficulty, or complaint in a positive and efficient way with the aim of quickly putting right a matter which may have gone wrong and, where necessary, reviewing the Academy's systems and procedures in the light of the matters raised. The Academy expects all parties involved in a complaints procedure to behave in a calm, civil and reasonable manner. The Academy will not tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive, or threatening. Lengthy and vexation complaints take school leaders away from their core priority of providing high quality educational experiences.

## Outcomes

Examples of outcomes include:

- The complaint was substantiated in part or full. A description should be given of the remedial action being taken by the Academy as a consequence of the complaint.
- The matter has been fully investigated and, consequently, further confidential procedures are being pursued.
- There was insufficient evidence to reach a conclusion, so the complaint cannot be upheld.
- The investigation did not substantiate the matters raised, so the complaint cannot be upheld, and is dismissed.

### **Please Note:**

- Financial compensation is not a possible outcome at any stage of this policy.
- None of the above will constitute an admission of negligence or an acceptance of liability on behalf of the Academy and or the Skills for Life Trust.
- Details of any disciplinary action or sanctions to be taken against a member of staff are strictly confidential and cannot be disclosed. This is compliant with employment law.

## Stages

There are four stages to the complaints policy. (Appendix 1)

**Stage 1** – Raising a concern/informal complaint

**Stage 2** – Formal complaint to the Headteacher

**Stage 3** – Review by the Chair of the Local Governing Body or Designate

**Stage 4** – Complaint Panel Hearing

A concern or complaint can be made face-to-face, in writing or via a phone call with the appropriate person to resolve the initial complaint. A complaint may also be made by a third party acting on behalf of a complainant if they have appropriate consent to do so. The Academy will need to see this consent.

## Definition of concern/complaint

A concern may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.

A complaint may be defined as 'an expression of dissatisfaction, however made, about actions taken or a lack of action'.

The expectation is that all concerns and complaints should be dealt with informally in the first instance under Stage 1. Most staff have full teaching timetables and therefore may not be able to respond to queries immediately. However, if an acknowledgement is not received within **2 school days** the Academy should be contacted on the main telephone number.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

## How to raise a concern or make a complaint

Complaints about a general issue or against a member of school staff (except the Headteacher) should be made in the first instance, to the Headteacher. To do this email [complaint-general@hilltop.medway.sch.uk](mailto:complaint-general@hilltop.medway.sch.uk) or submit your complaint in writing in an envelope marked Private & Confidential for the attention of the Headteacher.

Complaints that involve or are about the Headteacher should be forwarded to the Chair of Governors. To do this, email [complaint-headteacher@hilltop.medway.sch.uk](mailto:complaint-headteacher@hilltop.medway.sch.uk) or submit your complaint in writing in an envelope marked Private & Confidential for the attention of the Clerk to the Governors.

Complaints about the Chair of Governors, any individual Governor or Member or the whole Governing Body should be forwarded to the Clerk to the Trustees. To do this, email [complaint-governor@sflt.org.uk](mailto:complaint-governor@sflt.org.uk) or submit your complaint in writing in an envelope marked Private & Confidential for the attention of the Clerk to the Trustees.

Complaints about the Chief Executive Officer (CEO), or a Head Office member of staff, or a Trustee should be forwarded to the Clerk to the Trustees. To do this, email [complaint@sflt.org.uk](mailto:complaint@sflt.org.uk) or submit your complaint in writing in an envelope marked Private & Confidential for the attention of the Chair of Trustees.

Complainants should not approach individual Governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them considering complaints at a later stage in the procedure. Any complaints made about the Academy direct to the Skills for Life Trust will be referred back to be dealt with by the Academy under this policy. Below are details of who deals with each stage of the complaints process.



Complaint is about	Stage 1	Stage 2 *	Stage 3 **	Stage 4
General issue, or member of staff below Headteacher level Email: <a href="mailto:complaint-general@hilltop.medway.sch.uk">complaint-general@hilltop.medway.sch.uk</a>	Relevant member of staff/middle/senior leader	Headteacher	Chair of Governors	Panel of Governors/Trustees with one independent member
Headteacher Email: <a href="mailto:complaint-headteacher@hilltop.medway.sch.uk">complaint-headteacher@hilltop.medway.sch.uk</a>	Headteacher	Chair of Governors	CEO of Trust	Panel of Governors/Trustees with one independent member
Individual Governor Email: <a href="mailto:complaint-governor@sflt.org.uk">complaint-governor@sflt.org.uk</a>	Headteacher	Chair of Governors	CEO	Panel of Governors/Trustees with one independent member
Chair of Governors Email: <a href="mailto:complaint-governor@sflt.org.uk">complaint-governor@sflt.org.uk</a>	Chair of Governors	Vice Chair of Governors	CEO	Panel of Governors/Trustees with one independent member
Local Governing Body as a whole Email: <a href="mailto:complaint-governor@sflt.org.uk">complaint-governor@sflt.org.uk</a>	N/A	CEO	Chair of Trustees	Independent Panel **

\* in all cases, with the exception of the Headteacher dealing with a Stage 2, a designate may be appointed

\*\* where the complainant is about all or most of the LGB, the panel will consist of 2 independent Governors (can be from Skills for Life Trust) and 1 independent of the management and running of the Academy.

## Timescales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. Where a complaint is submitted more than 3 months after the incident or event (or where the complaint relates to a series of incidents or events, more than 3 months from the date of the latest incident or event) may be regarded as unreasonable by the Academy. Requests received outside of this timeframe will only be considered if exceptional circumstances apply.

## Anonymous or fictitious complaints

The Academy will not investigate anonymous complaints, or those found to be fictitious, under the procedure in this Complaints Policy. Anonymous or fictitious complaints will be referred to the Headteacher or the Chair of Governors to determine whether the complaint warrants an investigation.

## Misconceived or otherwise unreasonable complaints

The Academy reserves the right (in exceptional cases only) to write to the Complainant informing them that their complaint is regarded as misconceived or otherwise unreasonable and that the Academy's complaints procedure will not be followed. Appendix 3 defines what will be considered as unreasonable behaviour by complainants.

## Vexatious or repeated complaints

A complaint which has been considered under all stages of this procedure and is raised again, may be defined as a repeated complaint by the Academy. Unreasonable persistent complaints, trivial complaints, and/or complaints that do not affect the Complainant may be regarded as vexatious by the Academy.

## Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

## Scope of this complaints procedure

This procedure covers all complaints about any provision of community facilities or services by the Academy, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"><li>Admissions to schools</li></ul>	Concerns about admissions should be handled through a separate process – either through the appeals process or via the Local Authority.
<ul style="list-style-type: none"><li>Matters likely to require a Child Protection Investigation</li></ul>	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.  If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).
<ul style="list-style-type: none"><li>Exclusion of children from school*</li></ul>	Further information about raising concerns about exclusion can be found at: <a href="https://www.gov.uk/guidance/behaviour-in-schools-sanctions-and-exclusions-exclusions">Behaviour in schools: sanctions and exclusions: Exclusions - GOV.UK (www.gov.uk)</a>



	<i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i>
<ul style="list-style-type: none"> <li>Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> <li>Staff grievances</li> </ul>	Complaints from staff will be dealt with under the school's internal grievance procedures.
<ul style="list-style-type: none"> <li>Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> <li>Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
<ul style="list-style-type: none"> <li>National Curriculum - content</li> </ul>	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a> .

If other bodies are investigating aspects of the complaint, for example the Police, Local Authority (LA) Safeguarding Teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, we will inform you of a proposed new timescale.

If a complainant commences legal action against the Academy in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

# Appendix 1 – Complaints Process

## Stage 1 – Raising a Concern/Informal Complaint

- 1.1. On many occasions, minor concerns can be resolved through the appropriate member of staff. Except in minor matters, the concern and any action taken will be logged in the student file. Where a concern is raised by a member of the public, records of the concern and any action taken will be held with the relevant manager.
- 1.2. If the person first contacted cannot deal with the concern immediately or is not the most appropriate person to deal with it, they will refer the matter to the appropriate member of the middle or Senior Leadership Team available at the time. The Complainant can also request that their concern is referred to a specific member of staff (as above) whilst still keeping the matter at this informal stage.
- 1.3. In certain circumstances, the Headteacher may personally decide to deal with concerns informally under this stage.
- 1.4. If the complaint relates to the Headteacher, the Complainant can contact the Headteacher to enable the complaint to be resolved informally. If this is not possible or the complaint cannot be resolved informally, the Complainant should contact the Chair of Governors, who will investigate the complaint under Stage 2 of this policy instead of the Headteacher.
- 1.5. At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal response within 5 school days of the date of receipt of the complaint. The response must make clear to the Complainant what action or monitoring of the situation will take place. Where appropriate, this will include what action will be taken in response to the concern and could include an explanation, a specific outcome, an apology, or a revision of procedure. Where a verbal response is made, a summary of the response and any actions agreed will be recorded on the Academy's Management Information System.
- 1.6. Where no satisfactory solution has been found, or if the member of staff considers the concerns raised should be dealt with as a formal complaint immediately, the Complainant will be advised that they should put their complaint in writing to the Headteacher under Stage 2 of this policy.

## Stage 2 – Formal Complaint to the Headteacher

- 2.1. Formal complaints under Stage 2 should be made in writing to the Headteacher. The Complainant should clearly set out the nature of the complaint and if appropriate explain how they would like to see the matter resolved. This can either be via a letter, email, or using the complaints form in Appendix 2. Where the complaint is about the Headteacher, please address your complaint to the Chair of Governors.
- 2.2. At this stage a central record will be kept of the complaint.
- 2.3. The Headteacher will acknowledge the complaint in writing within **5 school days** of receiving the written complaint. The acknowledgement will give a brief explanation of the procedure for dealing with complaints as outlined in this policy and confirm a date for providing a response. This will normally be within **15 school days**. If it is not possible to comply with this time limit, a letter will be sent to the Complainant explaining the reason for the delay and giving a revised target date. Where the complaint is received during a school holiday or within 15 school days from the end of a term or half term, the Headteacher will endeavour to expedite the investigation but this can be when the new term begins.
- 2.4. The Headteacher (or Investigating Officer) may (but does not have to) provide an opportunity for the Complainant to meet with them to supplement any information provided. The Complainant may, if he or she wishes, be accompanied at any meeting by a friend or relative, who can speak on his or her behalf, and he or she will be asked if he or she has any special requirements that the Academy need to be aware of. This meeting may result in an agreed outcome, which the Academy will confirm in writing and the complaint would then be considered resolved.
- 2.5. The Headteacher (or Investigating Officer) will be provided with any documentation from Stage 1 (if applicable) and will then proceed to investigate the complaint. The Headteacher (or Investigating Officer) will interview witnesses and take statements from those involved. If the complaint centres on a student, the student may also be interviewed, if it is appropriate. Students will be interviewed in the presence of another member of staff with whom they feel comfortable. Parents or carers may be asked if they wish to be present, except in cases where the student has expressly stated that they would prefer that their parents or carers were not involved. If a member of staff is the subject of the complaint, that member of staff will be given the option of having another member of staff or union representative present when they are interviewed.
- 2.6. The Headteacher (or Investigating Officer) must keep a written record of any meetings or telephone conversations and must retain any other relevant documentation. Students or members of staff interviewed will be asked to read, sign and date the written record to confirm that it is accurate. In the case of students, the adult present at the meeting will also be asked to sign and date the record of the conversation.
- 2.7. If the investigation has been carried out by an Investigating Officer, they will summarise

their findings in a report for the Headteacher. Appendices to this report will include notes from meetings and all other relevant documentation.

- 2.8. Once all the relevant facts have been established, the Headteacher will provide a written response to the Complainant and may (but does not have to) meet with the Complainant to discuss or resolve the matter directly. Again, the Complainant can be accompanied at any such meeting, as outlined above.
- 2.9. The written response will set out the individual matters raised by the Complainant, the findings made by the Headteacher during the course of the investigation, and the conclusion reached. Where appropriate, this will include what action will be taken in response to the complaint and could include an explanation, a specific outcome, an apology, or a revision of procedure. The letter will inform the Complainant that, if they are unsatisfied with the outcome of the Stage 2 investigation, they should write to the Clerk to the Local Governing Body within **10 school days** of receipt of the letter to request that his or her complaint and the Stage 2 investigation be reviewed by the Chair of Local Governing Body under Stage 3 of this Complaints Policy. Requests received outside of this timeframe will only be considered if exceptional circumstances apply.

### Stage 3 – Review by the Chair of the Local Governing Body or Designate

*(The Chair of Governors may refer a Stage 3 complaint to the CEO who may designate somebody to review the complaint on behalf of the Chair of Governors)*

- 3.1. The request for a review of the Stage 2 decision by the Chair of the Local Governing Body or designate should be made in writing within **10 school days** of receipt of the outcome letter. If the complaint is about the Headteacher, the Chair of Governors or the LGB, please refer to the grid on page 6.
- 3.2. The Complainant should not repeat the matters raised in their original letter or attach documentation already provided, but should clearly set out how and why the Complainant does not accept the findings made under Stage 2, and how the Complainant feels this matter could be resolved.
- 3.3. The Chair of the Local Governing Body or designate will acknowledge the request in writing within **5 school days** of receipt. The letter will give a brief explanation of the review procedure as outlined in this policy and confirm a date for providing a response. This will normally be within **20 school days**. If it is not possible to comply with this time limit, a letter will be sent to the Complainant explaining the reason for the delay and giving a revised target date.
- 3.4. The Chair of the Local Governing Body or designate will be provided with all relevant paperwork relating to the complaint. The Chair should focus on deciding whether the findings and conclusion under Stage 2 were reasonable, making specific reference to any points raised by the Complainant. Should the Chair require further clarification, he/she may (but does not have to) speak to the Complainant, students (who will be accompanied, as outlined above), or members of staff during the course of his or her review.
- 3.5. The Chair of the Local Governing Body or designate must keep a written record of any meetings or telephone conversations and must retain any other relevant documentation. Students or members of staff interviewed will be asked to read, sign and date the written record to confirm that it is accurate. In the case of students, the adult present at the meeting will also be asked to sign and date the record of the conversation.
- 3.6. Once the review has been completed, the Chair of the Local Governing Body or designate may (but does not have to) meet with the Complainant to discuss or resolve the matter directly. The Complainant can be accompanied at any such meeting, as outlined above. This meeting may result in an agreed outcome, which the Chair or designate will confirm in writing and the complaint would then be considered resolved.
- 3.7. The Chair of the Local Governing Body or designate will provide a written response which will set out whether he/she agrees with the findings and conclusion under Stage 2, and give reasons, as well as responding to any concerns about the Stage 2 investigation. Where appropriate, this will include what action will be taken to resolve the complaint

and could include an explanation, a specific outcome, an apology, or a revision of procedure. The letter will inform the Complainant that, if they are unsatisfied with the outcome of the Stage 3 review, he or she should write to the Clerk to the Local Governing Body within **10 school days** of receiving the outcome letter to request a Complaint Panel Hearing.





## Stage 4 – Complaint Panel Hearing

- 4.1. If the Complainant is unsatisfied with the outcome of the review under Stage 3 of this Complaints Policy, the Complainant may write to the Clerk to the Local Governing Body requesting a Complaint Panel Hearing. The Complainant should write to the Clerk to the Local Governing Body within **10 school days** of receiving the letter confirming the outcome following Stage 3. Requests received outside of this timeframe will only be considered if exceptional circumstances apply.
- 4.2. The Complainant should not repeat the matters raised in their earlier letters or attach documentation already provided, but should clearly set out how and why they do not accept the findings made under Stages 2 and 3.
- 4.3. The Clerk to the Local Governing body will write to the Complainant to acknowledge receipt of the request within **5 school days** of receiving the letter. The letter will inform the Complainant that the complaint will be heard by the Complaint Panel within **20 school days** of receiving the request. The letter will also confirm that the Complainant has the right to submit any further documents relevant to the complaint and request the attendance of witnesses on their behalf. The letter will ask for any such documents and/or information about witnesses to be sent to the Clerk to the Local Governing Body within **5 school days** of receipt of the acknowledgement letter.
- 4.4. If the Complainant wishes to rely on the account of a witness, they should ask the witness to write down, sign and date their account. This should be included in the documentation forwarded to the Clerk to the Local Governing Body. Any written accounts provided by the Complainant from witnesses under the age of eighteen must be signed and dated by the witness **and** one of the witness' parents or carers. The Complainant should also provide, within **5 school days** as above, the names of any witnesses they would like to attend the hearing to give a verbal statement, stating why their attendance is required. The Chair of the Complaint Panel reserves the right to make the final decision about who may or may not attend the panel hearing. Where a witness has previously given a written account which is largely undisputed, the Chair may decide in advance that they do not need to attend the Complaint Panel Hearing to give a verbal statement.
- 4.5. The Clerk to the Local Governing Body will make arrangements to convene the Complaint Panel within **20 school days** of receiving the request. The panel will consist of three people who will have had no involvement in the subject matter of the complaint, no involvement in dealing with the complaint in the previous stages, and no detailed knowledge of the complaint (please refer to the grid on page 6).

One of the members of the Complaint Panel will be independent of the running and management of the Academy (i.e. they will not be a Governor of the Local Governing Body, a Director of Skills for Life Trust, or an employee of either the Academy or senior leadership team of the Skills for Life Trust, but may be a Governor at another Academy within the Skills for Life Trust or another school). The Clerk will ask the members of the

panel to decide who will act as Chair of the panel.

- 4.6. The Clerk to the Local Governing Body will write to the Complainant, the Academy representative, any relevant witnesses and the Complaint Panel informing them of the date, time and venue of the Complaint Panel Hearing as soon as possible, but at least **5 school days** in advance. The letter to the Complainant will inform him/her of the names of the complaint panel members and their roles, and confirm that they have the right to be accompanied by a friend or relative for support, and an interpreter or signer if necessary. The letter will also explain how the Complaint Panel Hearing will be conducted and will include the details of the procedure to be followed at the meeting.
- 4.7. If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.
- 4.8. All relevant correspondence and documentation regarding the complaint will be provided to the Complainant and the Complaint Panel at least **5 school days** prior to the Complaint Panel Hearing. This should include all letters and relevant documentation/witness statements from Stage 2 onwards.
- 4.9. The Academy will usually be represented at the Complaint Panel Hearing by the people who dealt with the complaint at Stages 2 and 3, the subject of the complaint would not be expected to attend the hearing. Please refer to the grid on page 6.
- 4.10. Members of staff involved in the matters which gave rise to the complaint will usually have provided a signed written account or have signed a note of a meeting during the previous stages. These will be forwarded to all parties with the other complaint documentation in the usual way and members of staff will not usually be required to attend the Complaint Panel Hearing to give a verbal statement. Witnesses under the age of eighteen will only be allowed to attend the Complaint Panel Hearing at the discretion of the Chair of the Complaint Panel, and then only if they are accompanied by one of their parents or carers.
- 4.11. The Complainant's and the Academy's witnesses will only attend the Complaint Panel Hearing for that part of it where they give their verbal statements and answer questions. They will be asked to remain outside at all other times.
- 4.12. The Clerk to the Complaint Panel (who will usually be the Clerk to the Local Governing Body, but does not have to be) will record minutes of the Complaint Panel Hearing, however the proceedings will be kept as informal as possible with the main aim being to achieve reconciliation between the Complainant and the Academy. More detailed information about the Complaint Panel Hearing can be made available on request.
- 4.13. After the Complaint Panel Hearing has closed, the Complaint Panel will meet in private to discuss the complaint, assisted by the Clerk. The Complaint Panel's decision will be confirmed in writing within **10 school days**.

- 4.14. The Complaint Panel will make **findings of fact**, namely they will decide on a balance of probabilities (i.e. more likely than not) which facts they accept and which they reject. The Complaint Panel will then decide what **recommendations** to make, if any. These may include recommendations aimed at achieving reconciliation between the Complainant and the academy, or recommendations for the Academy to follow aimed at improving the Academy's procedures or preventing a recurrence of the events which led to the complaint. The Complaint Panel will make a written record of their findings of fact and recommendations, if any. If no recommendations are made, this will also be recorded.
- 4.15. The Clerk to the Complaint Panel will write to the Complainant, the Headteacher (in all cases, whether or not the Headteacher represented the Academy), the Chair of the Local Governing Body (if they represented the Academy) and, where relevant, any persons complained about, confirming their **findings of fact** and **recommendations** within **10 school days** of the Complaint Panel Hearing. The letter will identify each of the issues complained about, summarise how the Complaint Panel Hearing proceeded, and confirm each of the Complaint Panel's findings of fact and recommendations, if any, with reasons. The letter will confirm that the decision of the panel is final but that if the Complainant believes that this Complaints Policy does not comply with the Regulations, or that the Academy has not followed the procedure outlined in this Complaints Policy, the Complainant may refer their complaint to the Education Funding Agency for further consideration.
- 4.16. The Clerk to the Complaint Panel will ensure that a record of the Complaint Panel's **findings of fact** and **recommendations** is kept on the Academy's premises and is available for inspection by the Skills for Life Trust, the Local Governing Body and the Headteacher.

## Referral to the Education and Skills Funding Agency

If a Complainant is not satisfied that the Academy's Complaints Policy complies with regulations governing academies, or that the Academy has followed the procedure outlined in this policy correctly, or that the Academy has acted unlawfully, or failed to comply with a contractual duty imposed by its Funding Agreement with the Secretary of State or any other legal obligation, he or she has a right to refer their complaint to the Education and Skills Funding Agency (part of the Department for Education).

The Education and Skills Funding Agency will not usually review, or overturn decisions made by academies about a complaint. They will usually only investigate whether an academy considered the complaint appropriately. If the Education and Skills Funding Agency finds that an academy did not consider a complaint appropriately, it can request the academy carries out an investigation under that stage of the complaints procedure again.

The contact details for the Education and Skills Funding Agency are as follows:

Education & Skills Funding Agency  
Cheylesmore House  
5 Quinton Road  
Coventry  
CV1 2WT

The Complainant can find further information about referring a complaint to the Education and Skills Funding Agency at the following web address:

<http://www.education.gov.uk/schools/leadership/schoolperformance/b00212240/making-complaint-school/complaints-free-schools-academies>

The Complainant can refer their complaint to the Education and Skills Funding Agency by completing an online form at the following web address:

<https://www.education.gov.uk/schools/leadership/schoolperformance/school-complaints-form>

## Appendix 2 - Complaint Form

Please access the downloaded version of this form, complete and return using the relevant email address (see page 6) or hand it into the school main office marked for the attention of either the Headteacher /Clerk to the LGB/Clerk to Trustees/CEO delete according to what stage your complaint is) who will acknowledge receipt and explain what action will be taken.

<b>Your Name:</b>
<b>Student's Name (if applicable):</b>
<b>Your Relationship to the Student (if applicable):</b>
<b>Address:</b>   <b>Postcode:</b> <b>Daytime Telephone Number:</b> <b>Evening Telephone Number:</b> <b>Email address:</b>
<b>Full details of the complaint (including the names of all persons involved and the dates of incidents referred to):</b>
<b>What action, if any, have you already taken to try and resolve your complaint (for example, who did you speak to and what was the response?).</b>

What actions do you feel might resolve the problem at this stage?	
Are you attaching any paperwork? If so, please give details.	
Signature:	
Date:	
<i>For Official Use</i>	
Date Acknowledgement Sent:	
Name of Person Acknowledging the Complaint:	
Name of Person Complaint Referred To:	
Signature:	Date:
Action Taken:	



## Appendix 3 - Serial and unreasonable complainants

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 school. 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.

Unreasonable behaviour is defined 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 complaint 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 or Chair of Governors 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 premises.