

Graham James Primary Academy



Complaints Policy

Agreed date: July 2017

Next Review Date: July 2019



GRAHAM JAMES PRIMARY ACADEMY



Complaints Policy

1 Aims and objectives

At Graham James Primary Academy, we 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. This policy follows guidance from the Department of Education (DfE) and must be followed in all complaint cases.

Please note - The complaint will not be investigated if the complaint is brought more than 5 months from the original incident.

This policy applies to all concerns and complaints other than:

- Child protection issues and
- Exclusions, where separate procedures apply

The prime aim of this policy is to resolve the complaint fairly and as quickly 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 school.

At Graham James Primary Academy, our Complaints policy has 5 main stages, In summary these are as follows:

Stage 1: A concern is raised informally with a staff member (E.g. Class teacher)

Stage 2: Formal complaint is heard by the key stage (KS) Assistant Head Teacher or SENCO

Stage 3: Formal complaint is heard by Deputy Head Teacher

Stage 4: Complaint is heard by the Headteacher

Stage 5: Complaint is heard by the Governing Body's Complaints Appeal Panel

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

Vexatious Complaints – There will be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the Governing Body (GB) will inform them in writing that the procedure has been exhausted and that the matter is closed. Please see Appendix 1 for the GB policy regarding vexatious complaints/ harassment.

COMPLAINTS PROCEDURE

STAGE 1: A concern is raised informally with a staff member (E.g. Class teacher)

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 school can be crucial in determining whether the complaint will escalate. Staff are made aware of the procedures, therefore, knowing what to do when they receive a complaint (This policy will be published on our Academy webpage).

In most cases the first person the complainant will speak to is the class teacher.

Please do not arrive at the school expecting to be seen by a member of staff as they are very likely to be teaching or have other engagements. Please make an appointment to see the class teacher. This will ensure sufficient time is allocated to listen carefully to your concerns. The concern 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 2 working days from the meeting

The vast majority of concerns will be satisfactorily dealt with in this way. However, if you are not satisfied with the outcome at stage 1, the complainant will need to progress their complaint to stage 2.



STAGE 2: Formal complaint is heard by the key stage (KS) Assistant Head Teacher or SENCO

In order to have your complaint listened to at stage 2, **the complainant MUST:**

1. Complete a 'COMPLAINT FORM' (appendix 2 – a paper copy can be obtained from the school office upon request)
2. Make an appointment to speak to the Key Stage Assistant Head Teacher or

(Stage 2 continued)

SENCO (only if the complaint is regarding an SEN matter). The appointment should be made by contacting the school office. ***Please do not arrive at the school expecting to be seen by an Assistant Head Teacher or SENCO.***

The nature of the complaint must be made clear at the point at which the appointment is requested (by completing appendix 2 – complaint form). This will mean that the Assistant Head Teacher/ SENCO are adequately prepared to address the complaint from an informed perspective. The aim of the meeting will be to resolve the matter as speedily as possible. The matter may be resolved at this meeting; however, if further investigation is needed then the complainant will receive a response within 2 working days from the meeting

If the complainant is not satisfied with the result at stage 2, please write to the Academy within 5 working days (Addressed to the Deputy Headteacher). You will need to inform the Academy of your reasons why you do not think that the concern/ complaint has been dealt with to your satisfaction.



STAGE 3: Formal complaint is heard by the Deputy Head Teacher

If the complainant has reached stage 3 of the complaints procedure as a progression from stage 2, then the letter sent to the academy will be passed to the Deputy Head Teacher who will arrange a meeting with the complainant. The original paperwork (Appendix 2 – Complaint Form) will also be passed to the Deputy Head Teacher.

If for any reason that the complaint is being heard for the first time at Stage 3 (e.g. the complaint is about the Assistant Head Teacher/ SENCO) then the complainant MUST:

1. Complete a 'COMPLAINT FORM' (appendix 2 – a paper copy can be obtained from the school office upon request)
2. Make an appointment to speak to the Deputy Head Teacher The appointment should be made by contacting the school office. ***Please do not arrive at the school expecting to be seen by the Deputy Head Teacher.***

The aim of the meeting will be to resolve the matter as speedily as possible. The matter may be resolved at this meeting; however, if further investigation is needed then the complainant will receive a response within 2 working days from the meeting

If the complainant is not satisfied with the result at stage 3, please write to the Academy within 5 working days (addressed to the Headteacher). You will need to inform the Academy of your reasons why you do not think that the concern/ complaint has been dealt with to your satisfaction.



STAGE 4: Formal complaint heard by the Headteacher

If the matter has not been resolved at Stage 3, the Headteacher will arrange further investigation. Following the investigation she will give a written response within 14 working days. If you are dissatisfied with the result at stage 4, you should let the Headteacher know within 10 working day of getting the response, again giving your reasons why.



STAGE 5: Formal complaint heard by Governing Body's Complaints Appeal Panel

If the complaint has not been resolved at Stage 4, you should write to the Chair of Governors (Mr Bradley Lane) at the school address giving details of the complaint. No new complaint can be added. The Chair, or a nominated governor, will convene a GB complaints panel.

Individual complaints would not be heard by the whole GB 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.

The panel will comprise of three (3) 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 5 investigation. The complainant 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 school and the complainant. The meeting will be minuted by the Clerk to Governors (If available otherwise alternative plans will be made).

All parties will be notified of the Panel's decision in writing within 5 working days after the date of the hearing.

The governors appeal hearing is the last school-based stage of the complaints process. A record of all appeals, decisions and recommendations of the Complaints Panel will be kept by the school.

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 at stage four (4) 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 5 above.

Following the outcome of Stage 5 of this procedure, complaints regarding Academies may be considered by the Education Funding Agency (EFA) – Only in specific circumstances shown next.

The EFA – The EFA can only look at complaints about academies that fall into the following 2 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.
- b) The academy has failed to comply with a duty imposed on it under its funding agreement with the Secretary of State.

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.

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 in funding.

Monitoring and review

The Head Teacher monitors the effectiveness of this policy on a regular basis. S/he also reports to the governing body on the effectiveness of the policy and, if necessary, makes recommendations for further improvements.

The Academy keeps all complaint information on file for reference.

The Governing Body reviews this policy every two years. The Governors may, however, review the policy earlier than this if the government introduces new regulations, or if the Governing Body receives recommendations on how the policy might be improved.

Mrs Petra Back

Mr Richard Turner

Mr Bradley Lane

Head Teacher

Deputy Headteacher

Chair of Governors



APPENDIX 1



Policy for dealing with persistent or vexatious complaints/ harassment in schools

The Headteacher and staff deal with specific complaints as part of their day-to-day management of the academy in accordance with the academies Complaints Policy. 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.

Aims: The aims of this policy are to:

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

Parents' expectations of the school:

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

- Inform them of the complaints procedure
- Inform them of the policy for dealing with persistent or vexatious complaints/ harassment in schools
- Respond within a reasonable time
- Be available for consultation within reasonable time limits bearing in mind the needs of the children within the school 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 and other policies, keeping complainants informed of progress towards a resolution of the issues raised.

The Academy's expectations of parents/ carers/ members of the public:

The Academy expects 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 schools work and allow the school a reasonable time to respond
- Recognise that resolving a specific problem can sometimes take a longer time than expected
- (In the case of a complaint) follow the academy's Complaints Policy.

If the above is not adhered to the Academy reserves the right to refuse to investigate until the above expected behaviour is evident.

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 school and whose behaviour is unreasonable. Such behaviours may be characterised by:

- Actions which are obsessive, persistent, harassing, prolific and repetitious
- Prolific correspondence or excessive email or telephone contact about a concern or a complaint
- An insistence upon pursuing unsubstantial complaints and/ or realistic 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 (E.g. 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 listed above in such a way that they:

- Appear to be targeted over a significant period of time on one or more members of the academy staff and/ or
- Cause ongoing distress to individual member(s) of academy staff and/ or
- Have a significant adverse effect of 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.

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 regards to the nature of the complainant's behaviour and the effect of this on the school community:

- Inform the complainant in writing that his/ her behaviour is now considered by the academy as unreasonable/ unacceptable and, therefore 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 the meeting/s may be taken in the interest of all parties
- Inform the complainant that, except in emergencies, all routine communication with the complainant to the academy should be in letter only
- (In the case of physical or verbal aggression) consider warning the complainant about being banned from the academy site; or proceed to 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 school may resume the process identified above at an appropriate level. In these circumstances advice may be sought from the Local Authority (LA) and/ or other relevant organisations.

Mrs Petra Back

Head Teacher

Mr Richard Turner

Deputy Headteacher

Mr Bradley Lane

Chair of Governors



APPENDIX 2

GRAHAM JAMES PRIMARY ACADEMY – COMPLAINT FORM

Please complete and return to a member of staff in the school office, who will acknowledge receipt.

Your name: _____

Childs name: _____

Your relationship to the child (if relevant): _____

Your address: _____

Telephone number (day): _____

Telephone number (evening): _____

Please give brief details of your complaint (including date of first event):

What action, if any, have you already taken to try and resolve your complaint (Who did you speak to and what was their response?)

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details

Signature: _____ (Complainant)

Date: _____