



St Mary
Magdalene
Academy

Complaints Procedure

St Mary Magdalene Academy is a Christian community of learning. We aim to nurture young people to become high achievers and to discover their vocation in the global society.

“Show by a good life that your works are done by gentleness born of wisdom”
James 3.13

ST MARY MAGDALENE ACADEMY

The St Mary Magdalene Academy Trust follows and is compliant with the 2014 School Admissions Code published by the Department for Education (DfE) under Section 84 of the School Standards and Framework Act 1998.

Approval Committee:	Full Governing Body
Review Committee:	Community Relations and Student Welfare (CR&SW)
Last reviewed:	06/12/2016
Next review date:	Autumn 2018
Required to publish on website?	Yes
Statutory?	Yes

COMPLAINTS PROCEDURE

1. Purpose

This policy should be consulted by parents or guardians who wish to raise a concern or complaint about the way in which the Academy has dealt with an issue.

2. Introduction

2.1 The Academy takes pride in the provision of a professional and high quality environment for all who study, work and visit (including pupils, parents and those who work with the Academy). If, however, you have any concerns, these should be brought to our attention as quickly as possible, to enable us to resolve the matter.

2.2 Please note that there is a difference between concerns and complaints:

2.2.1 Concerns ought to be handled, if at all possible, without the need for formal procedures;

2.2.2 Complaints should be dealt with in accordance with this policy.

3. Complaints Procedure

Stage one (informal stage)

3.1 You should raise any problem or concern promptly (within ten school days) with the member of staff responsible for the area or action about which you are concerned. You may do so by writing, e-mailing, meeting or speaking to the relevant member of staff, in an attempt to resolve the issue. If your concern is more serious, you should make an appointment to discuss it with a more senior leader.

Stage two (formal stage)

3.2 If you are not satisfied with the Academy's response under stage one (informal stage), you should write to or e-mail the relevant Headteacher within ten school days setting out your grounds for complaint and outlining how you have attempted to deal with the matter thus far. The Headteacher will investigate the complaint and provide a written response. This will normally be within 10 school days of the receipt of your letter by the Academy, but you will be kept informed if, for example, more time is needed to complete the investigation.

3.3 If your original concern was about an action by the Headteacher personally, or if you are not satisfied with their response, then you should put your complaint in writing or by e-mail to the Executive Director, in accordance with stage three below. The same 10 day time frame applies.

Stage three (formal stage)

- 3.4 If you are not satisfied with the Academy's response under stage two (formal stage), you should write to or e-mail the Executive Director within ten school days setting out your grounds for complaint and outlining how you have attempted to deal with the matter thus far. (If you do not respond within 10 days the matter will be considered closed). The Executive Director will investigate the complaint and provide a written response. This will normally be within 10 school days of the receipt of your letter by the Academy, but you will be kept informed if, for example, more time is needed to complete the investigation.

Stage four (formal stage)

- 3.5 If you are not satisfied with the Executive Director's response, you may write to or e-mail the Chair of Governors setting out your grounds of complaint within ten school days of receiving the response. (If you do not respond within 10 days the matter will be considered closed). The Chair's contact details are available from the Academy office.
- 3.6 The Chair (or their appointed deputy) will investigate your complaint and, in most cases, seek to resolve the matter through discussion with you and the school. At the end of this stage, the Chair will provide you with a written response. This will normally be within 10 school days of the receipt of your complaint by the Academy, but you will be kept informed if more time is needed.

Stage five (formal stage)

- 3.7 If you are not satisfied with the Chair's response, you may write to or e-mail the clerk to the Governing Body (whose contact details are available from the Academy office). (If you do not respond within 10 days the matter will be considered closed). The clerk will convene a panel of three Governors to investigate your complaint. Neither the Executive Director nor the Chair of Governors will be a member of the panel as they will have already been involved in handling the complaint.
- 3.8 A panel hearing will normally be arranged within 15 school days of your complaint being received by the clerk to the governing body, depending on the availability of all concerned. You will be invited to attend and speak to the panel at the hearing. If you wish to attend the hearing, you may be accompanied at the hearing by a friend or representative (see Appendix 1: The Role of the Governors' Panel).
- 3.9 After the hearing, you will be advised of the panel's findings and recommendations in writing. This will normally be within 10 school days of the panel hearing. The panel's decision is final.

Stage six (formal stage)

- 3.10 If you are not satisfied with the outcome after Stage five and you are concerned about the maladministration of the Academy or about the Academy acting unreasonably in exercising its powers, you may contact the Secretary of State for Education to register your complaint.

4. Vexatious Complaints

If a complainant were to behave in a way that is unreasonably persistent or vexatious (see Appendix 2 for further information), the Academy will take action to protect staff and the Governing Body from such behaviour. The Executive Director and Chair of Governors are the judges of what constitutes vexatious behaviour. In the event of their disagreeing the matter will be referred to the Chair of the St Mary Magdalene Academy Education Partnership Trust.

APPENDIX 1: The Role of the Governors' Panel

The Chair of governors and the governors sitting on a complaints panel shall abide by the following principles:

a) The hearing shall be independent and impartial and shall be seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, the chair of governors needs to ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation. No governor who has a potential conflict of interest will be included in the panel, e.g. a governor who has a child in the same class as the complainant would not be asked to sit on the panel.

b) The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. In some circumstances the best that can be achieved may be to establish the facts and make recommendations which will demonstrate that the complaint has been taken seriously.

c) The panel will take into account that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel Chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.

d) The governors sitting on the panel need to be fully aware of the complaints procedure.

Any panel of governors considering complaints must be clerked. The choice of clerk (who may be from the school, the LA or from the London Diocesan Board for Schools) shall be at the discretion of the Chair of governors who will consult with the Chair of the panel.

The clerk will act as the contact point for the complainant and will be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible. The date of the hearing should if possible be within no more than 10 working days of the date of the complainant's letter to the Chair of governors;
- collate any written material and send it to the parties not more than 7 days in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

Once the panel has been convened and a Chair of the panel and a clerk appointed, the clerk will invite the complainant and the school representatives to attend the hearing. The complainant may be accompanied by a friend if they wish. The school representatives may also be accompanied by appropriate representation.

It is important to take account of the fact that the panel meeting is intended to be investigatory rather than adversarial. Therefore, the persons giving evidence or making representations to the panel will normally attend separately.

The Chair of the panel shall ensure that:

- the remit of the panel is explained to all parties;
- each party is given the opportunity of putting their case without undue interruption;
- the issues forming the substance of the complaint are addressed;
- key findings of fact are made;
- the hearing is kept as informal as possible and that parents and others who may not be used to speaking at such a hearing are put at ease;
- all parties, including panel members, treat others with respect and courtesy;
- the panel is open minded and acting independently;
- written material is seen by all parties. If a new issue arises all parties should be given the opportunity to consider and comment on it.
- both parties understand that they will hear from the panel within a set time scale and that the panel's decision is final.

The procedure for panel hearings shall be:

- After introductions, the complainant should be invited to explain their complaint, and be followed by their supporting evidence.
- The school's representative will then be invited to explain the school's actions and this will be followed by the school's supporting evidence.
- The panel may ask questions at any point.

When the panel has collected sufficient information, it will deliberate and reach its decision.

The panel may decide to:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in 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 problems of a similar nature do not recur.

APPENDIX 2: Vexatious complaints – further information

An unreasonably vexatious complainant may:

1. Have insufficient or no grounds for their complaint and be making the complaint to annoy (or for reasons that he or she does not admit to or make obvious);
2. Refuse to specify the grounds of a complaint despite offers of assistance;
3. Refuse to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
4. Insist on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice (insisting, for instance, that there must not be any written record of the complaint);
5. Make groundless complaints about the staff dealing with the complaint;
6. Make an unreasonable number of contacts with us, by any means in relation to a specific complaint or complaints;
7. Make persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to numerous, frequent and/or complex letters, faxes, telephone calls or emails);
8. Harass or verbally abuse or otherwise seek to intimidate staff dealing with their complaint, by use of foul or inappropriate language or by the use of offensive and racist language;
9. Raise subsidiary or new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process;
10. Introduce trivial or irrelevant new information whilst the complaint is being investigated and expect this to be taken into account and commented on;
11. Change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed;
12. Electronically record meetings and conversations without the prior knowledge and consent of the other person involved;
13. Refuse to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given;
14. Make the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded, and insist that the

minor differences make these 'new' complaints which should be put through the full complaints procedure;

15. Persist in seeking an outcome which we have explained is unrealistic for legal or policy (or other valid) reasons;
16. Refuse to accept documented evidence as factual;
17. Complain about or challenge an issue based on a historic and irreversible decision or incident;
18. Combine some or all of these features.

The following restrictions may be placed upon contact with vexatious complainants:

- a) Banning the complainant from making contact by telephone and insisting that they only correspond by letter;
- b) Banning the complainant from entering the Academy site except for a scheduled appointment;
- c) Requiring contact to take place with one named member of staff only;
- d) Restricting telephone calls to specified days / times / duration and
- e) Letting the complainant know that we will not reply to or acknowledge any further contact from them on the specific topic of that complaint (in this case, a designated member of staff should be identified who will read future correspondence).

When the decision has been taken to apply restrictions upon a complainant, the Executive Director will contact the complainant in writing (and/or as appropriate) to explain:

- Why the Academy has taken the decision;
- What action we are taking;
- The duration of that action.

The Executive Director will enclose a copy of this policy in the letter to the complainant.

Approval Committee	Review Committee	Last reviewed	Next review date:
CR & SW	CR & SW	06/12/2016	Autumn 2018