



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

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1. Aims

Our Academy aims to meet its statutory obligations when responding to complaints from parents of pupils at the school, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into Academy improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The Academy will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the Academy website.

2. Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent Academy Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

This policy complies with our funding agreement and articles of association.

3. Definitions and scope

The DfE guidance explains the difference between a concern and a complaint.

A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”.

The Academy will resolve concerns through day-to-day communication as far as possible.

A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.

The Academy intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

Arrangements for handling complaints from parents of children with SEN about the school's support are within the scope of this policy. Such complaints should first be made to the Special Educational Needs co-ordinator (SENCO)/Headteacher]; they will then be referred to this complaints policy. Our SEN policy includes information about the rights of parents of pupils with disabilities who believe that our Academy has discriminated against their child.

Complaints about services provided by other providers who use Academy premises or facilities should be directed to the provider concerned.

4. Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The Academy expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

5. Stages of complaint (not complaints against the headteacher or a governor)

Stage 1: informal

The Academy will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the headteacher as appropriate, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the Academy office.

The Academy will acknowledge informal complaints usually within 5 working days, and investigate and provide a response within 10 working days.

The informal stage will involve a meeting between the complainant and the Headteacher and/or a senior leader of the Academy with the subject of the complaint], as appropriate.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

Stage 2: formal

Inform the Headteacher in writing

This letter should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

The headteacher (or designated member of the senior leadership team) will call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting, and should inform the Academy of the identity of their companion in advance.

In certain circumstances, the Academy may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the Academy will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The headteacher (or other person appointed by the headteacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 10 working days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the chair of governors in writing within 5 working days.

Inform the chair of governors in writing

This letter should set out the details of the complaint including evidence as set out above. The complainant should also specify what they feel would resolve the complaint, and how they feel the previous stage of the procedure has not addressed their complaint sufficiently.

The written conclusion of this investigation will be sent to the complainant within 10 working days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the chair of governors in writing within 5 working days.

Stage 3: submit the complaint to the review panel

The review panel consists of members of the governing board. These individuals will have access to the existing record of the complaint's progress (see section 9).

The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather

than that of the complainant. At the review panel meeting, the complainant and representatives from the Academy, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence.

The panel, the complainant and the Academy representative will be given the chance to ask and reply to questions. Once the complainant and Academy representatives have completed presenting their cases, they will be asked to leave and evidence will then be considered.

The panel must then put together its findings and recommendations from the case. The panel will also provide a copy of the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the headteacher.

The Academy will inform those involved of the decision in writing within 10 working days.

6. Complaints against the headteacher or a governor

Complaints made against the headteacher should be directed to the chair of governors.

Where a complaint is against the chair of governors or any member of the governing board, it should be made in writing to the clerk to the governing board in the first instance.

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.

7. Referring complaints on completion of the school's procedure

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a school's decision about a complaint. However, it will look into:

- Whether there was undue delay, or the Academy did not comply with its own complaints procedure
- Whether the Academy was in breach of its funding agreement with the secretary of state

- Whether the Academy has failed to comply with any other legal obligation

If the Academy did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the school's complaints procedure is found to not meet regulations, the Academy will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

8. Persistent complaints

Where a complainant tries to re-open the issue with the Academy after the complaints procedure has been fully exhausted and the Academy has done everything it reasonably can in response to the complaint, the chair of governors (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the Academy again about the same issue, the Academy can choose not to respond. The normal circumstance in which we will not respond is if:

- The Academy has taken every reasonable step to address the complainant's needs, *and*
- The complainant has been given a clear statement of the school's position and their options (if any), *and*
- The complainant is contacting the Academy repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

The Academy will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the Academy with the intention of causing disruption or inconvenience, and/or
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- The individual makes insulting personal comments about, or threats towards, Academy staff

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the Academy has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The Academy will ensure when making this decision that complainants making any new complaint are heard, and that the Academy acts reasonably.

Unreasonably persistent complaints

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 Headteacher 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.

9. Record-keeping

The Academy will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or under the terms of the Data Protection Act, or where the material must be made available during a Academy inspection.

Records of complaints will be retained from date of resolution of complaint, plus 6 years.

10. Learning lessons

The governing board will review any underlying issues raised by complaints with the Headteacher/senior leadership team/, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the Academy can make to its procedures or practice to help prevent similar events in the future.

11. Monitoring arrangements

The governing board will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The governing board will track the number and nature of complaints, and review underlying issues as stated in section 10.

The complaints records are logged and managed by the Heateachers PA.

This policy will be reviewed by the Headteacher/Director of Finance and Corporate Services and governing board every 3 years for its compliance.

At each review, the policy will be approved by the full governing board.

12. Links with other policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report