



SIR ROBERT PATTINSON ACADEMY

COMPLAINTS POLICY

Date Reviewed in School:	September 2021
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COMPLAINTS POLICY

1. Scope

1.1 This Complaints Policy is based on the principle that concerns expressed by a pupil, parent or any other individual or organisation should be resolved as quickly as possible without the need to escalate to the formal stages of the procedure. However, where resolution has not been achieved and the person raising the concern is unhappy and wishes to take the matter further, the formal procedure for dealing with complaints will be followed.

1.2 The four stages are:

Stage 1 - Informal investigation of a concern.

Stage 2 - Formal complaint investigated by a member of staff.

Stage 3 - Formal complaint investigated by the Headteacher.

Stage 4 - Complaint heard before a Complaint Panel.

1.3 There are certain matters that are outside of the scope of this Complaint's Policy. These are set out in Schedule 1.

2. General Principles

2.1 The Academy will strive to:

- ✓ take all concerns and complaints seriously
- ✓ make every attempt to resolve concerns by informal means without the need to use formal procedures where practicable
- ✓ publish its complaints procedure, making it easily accessible and simple to understand and use
- ✓ be fair, open and honest when dealing with any concern or complaint
- ✓ give careful consideration to all concerns and complaints and deal with them as swiftly as possible, keeping people informed of progress
- ✓ resolve any concern or complaint through dialogue and mutual understanding and, wherever possible, put the interests of the child above all other issues
- ✓ provide sufficient opportunity for any concern or complaint to be fully discussed, and then resolved
- ✓ deal with concerns or complaints in an impartial and non-adversarial manner
- ✓ ensure a full and fair investigation of a complaint is undertaken by a person who has not been directly involved in the matter
- ✓ address all the points at issue and provide an effective response and appropriate redress, where necessary
- ✓ respect people's desire for confidentiality

- ✓ use the outcome of a complaint to reflect on the services provided by the Academy so, if necessary, how they can be improved.

3. Time Limits

- 3.1 You should make the Academy aware of your complaint as soon as possible after the matter or incident has occurred that you wish to complain about. Usually we would expect you to do this within **three months** of the incident occurring.
- 3.2 If you do not contact the academy within that time, we will not usually consider your complaint. However, if there are exceptional circumstances that meant that you were not able to raise your complaint within the three month time limit, you should provide these in writing and the Academy may, in its absolute discretion, investigate your complaint under this Policy.

4. Principles of resolving a complaint

- 4.1 It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. The way in which the concern or complaint is dealt with after the Complainant first raises the matter can be crucial in determining whether the complaint will escalate. To that end, members of staff will be periodically made aware of the procedure in this Complaints Policy, so that they will know what to do when a concern is raised with them.
- 4.2 At each stage of the complaints procedure, the investigator will consider how the complaint may be resolved. In considering how a complaint may be resolved, the investigator will give due regard to the seriousness of the complaint. It may be appropriate in order to bring the complaint to a resolution for the investigator to offer:
- ✓ An explanation;
 - ✓ An apology;
 - ✓ Reassurance that steps have been taken to prevent a recurrence of events which led to the complaint;
 - ✓ Reassurance that the Academy will undertake a review of its policies and procedures in light of the complaint.

None of the above will constitute an admission or an acceptance of liability on behalf of the Academy.

5. Stages in our Complaints Policy

5.1 Stage 1 – Informal Resolution

- 5.1.1 Many concerns will be dealt with informally. Complaints should be addressed in the first instance to the person closest to the situation. This may be a classroom teacher, head of year or personal tutor.
- 5.1.2 A person who receives a complaint is responsible for ensuring that there is a written record of it pursuant to this policy.
- 5.1.3 Where the person receiving the complaint considers, for whatever reason, that they are not the most appropriate person to deal with the complaint under the informal

procedure established by this policy, they will notify the complainant as soon as reasonably practicable and direct them to a more appropriate member of staff.

- 5.1.4 Where a complaint is particularly complex or sensitive in nature, the person receiving it may require the complainant to put the complaint in writing if it is not already in writing. A written complaint must be acknowledged in writing **within 2 school days**.
- 5.1.5 There is no rigid time-scale for resolving concerns and complaints at the informal stage given the importance of dialogue through informal discussions; however it is expected that most concerns will be resolved **within 5 school days**. Should the nature or complexity of the concern mean that more time is required, the Academy will write to the Complainant within 5 school days informing them of the reason for the delay and confirming a revised date for resolution.
- 5.1.6 Should informal resolution appear unlikely to resolve the concern, either party may initiate a move to the Stage 2 for the complaint to be investigated formally. At this point, the complainant must be provided with a copy of this policy if they have not already been provided with one.
- 5.1.7 Either party must commence Stage 2 of the complaints process within 1 month of the outcome of Stage 1 or, where there is no outcome, within 2 months of the issue being raised, unless it was not reasonably practicable to escalate the complaint within this time scale.

5.2 **Stage 2 – Formal investigation by member of staff**

- 5.2.1 If the Complainant remains unhappy after the conclusion to the informal stage, the Complainant should write to the head teacher requesting that their complaint be escalated to the formal stage pursuant to this policy. The Complaint should state what their concern is and how they consider it may be resolved.
- 5.2.2 Upon receipt of a complaint under stage 2, the head teacher will identify the appropriate member of staff to investigate the complaint under Stage 2. If the complaint is about a member of staff, a manager senior to that member of staff will normally investigate the complaint. If the complaint is very serious, the head teacher may, at their discretion, escalate the complaint directly to Stage 3.
- 5.2.3 Where the complaint concerns the head teacher, the complaint will be referred to the Chair of Local Governors. The Chair of Local Governors will investigate the complaint under Stage 3 of this Complaints Policy.
- 5.2.4 The member of staff considering the complaint will write to the Complainant acknowledging the complaint **within 5 school days** of receiving the complaint. The acknowledgement will confirm which stage of the Complaints Policy the complaint is being investigated under, and will confirm the date for providing a response to the complaint.
- 5.2.5 Following investigation of the complaint, the member of staff will write to the Complainant confirming the outcome **within 10 school days** of the formal complaint being received. If this time limit cannot be met, the member of staff will write to the

Complainant within 10 school days of the formal complaint form being received, explaining the reason for the delay and providing a revised date.

- 5.2.6 If the complainant wishes to escalate the complaint, they must do so within 1 month of receiving the outcome letter under stage 2, unless it was not reasonably practicable to escalate the complaint within this time scale.

5.3 **Stage 3 – Investigation by the Headteacher**

- 5.3.1 If the Complainant is unhappy with the outcome of the complaint under Stage 2, the Complainant should write to the Headteacher asking for the complaint to be investigated under Stage 3 of this Complaints Policy. The Complaint should state what their concern is and how they consider it may be resolved.
- 5.3.2 The Headteacher will write to the Complainant acknowledging the complaint within 5 school days of the date that the letter was received from the Complainant. The acknowledgement will confirm that the complaint will now be investigated under Stage 3 of this Complaints Policy, and will confirm the date for providing a response to the complaint.
- 5.3.3 Following investigation of the complaint, the Headteacher will write to the Complainant confirming the outcome **within 10 school days** of the date that the letter was received from the Complainant. If this time limit cannot be met, the Head Teacher will write to the Complainant **within 10 school days** of the date that the letter was received from the Complainant, explaining the reason for the delay and providing a revised date.
- 5.3.4 If the complainant wishes to escalate the complaint, they must do so within 1 month of receiving the outcome letter under stage 3, unless it was not reasonably practicable to escalate the complaint within this time scale.

5.4 **Stage 4 – Complaint heard by Complaint Panel**

- 5.4.1 If the Complainant is unhappy with the outcome of the complaint under Stage 3, the Complainant should write to the Clerk to the Governors at the Academy asking for the complaint to be heard before a Complaint Panel. The Complaint should state what their concern is and how they consider it may be resolved.
- 5.4.2 The Clerk to the Governors will write to the Complainant acknowledging the request for the complaint to be heard before a Complaint Panel **within 5 school days**.
- 5.4.3 The Complaint Panel will consist of three members (one of whom must be independent of the management and running of the Academy). None of the three members of the Complaint Panel will have been involved in the incidents or events which led to the complaint, or have been involved in dealing with the complaint in the previous stages, or have any detailed prior knowledge of the complaint.
- 5.4.4 The Clerk to the Governors will liaise with the parties and convene the Complaint Panel Hearing on a date and at a time which is convenient to all parties attending the

hearing, this shall be within **25 school days** of receiving the referral from stage 3. The Clerk to the Governors will write to the parties attending the hearing **at least 5 school days** before the Complaint Panel Hearing is due to take place confirming the date and time. A parent making a complaint may attend and be accompanied at a panel hearing if they wish.

5.4.5 The Complaint Panel will meet in private, either immediately after the Complaint Panel Hearing or on a subsequent date, and will consider all of the documentation and everything that they have heard at the Complainant Panel Hearing.

5.4.6 The Complaint Panel will reach conclusions concerning the facts of the complaint and make recommendations based on those facts. These recommendations may be aimed at achieving reconciliation between the parties (for example, a written apology or explanation), improving procedures or preventing a recurrence in the future. The Complaint Panel will keep a written record of their findings and recommendations, with reasons. This will be available for inspection on the Academy premises by the proprietor and the Head Teacher and shall be provided to the complainant and, where relevant, the person complained about.

5.4.7 The Complaint Panel will write to the Complainant **within 10 school days** following the date upon which they met to consider the complaint (which may be a date subsequent to the hearing date). The letter will identify the issues complained about, and will confirm the Complaint Panel's findings of fact and recommendations, if any, with reasons. The letter will also confirm that the Complainant may refer their complaint to the Education & Skills Funding Agency for consideration if they remain unhappy.

6. Reference to the Education & Skills Funding Agency

6.1 The conclusion to the Stage 4 procedure represents the exhaustion of the Academy's internal process. There is no further right of appeal.

6.2 However, the Complainant can refer the complaint to the School Complaints Team at the Department for Education. We would expect a complaint to be escalated to the Education & Skills Funding Agency within 1 month of receiving the outcome under stage 4, unless it is reasonably impracticable to do so. The team will refer complaints about academies to the Education & Skills Funding Agency, which is the arm of the department which oversees academies. Parents must make complaints in writing, either by post to:

**Ministerial and Public Communications Division
Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD**

6.3 Alternatively, a Complainant can use the Department for Education's online School Complaints form. Please note that, unless the complaint is about the governors'/academy's response or lack of response, a complaint will generally have to be considered first by the governing body.

7. Unreasonable Complaints

7.1 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 the 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. Defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'.

7.2 A complaint may be regarded as unreasonable when the person making the complaint:-

- 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 complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or 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;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with. A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-
 - maliciously;
 - aggressively;
 - with threats, intimidation or violence;
 - using abusive, offensive or discriminatory language;
 - knowing it to be false;
 - using falsified information;

- or publishes unacceptable information in a variety of media such as in social media websites and newspapers.
- 7.3 Complainants should limit the numbers of communications with a school while a 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.
- 7.4 Whenever possible, the headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.
- 7.5 If the behaviour continues the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.
- 7.6 In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the Academy.

8. Records

- 8.1 Records of all complaints that escalate to the formal process will be kept by the Academy and retained in accordance with the Record's Retention Policy. The record shall state:
- (i) whether the complaint was resolved following a formal procedure, or proceeded to a panel hearing; and
 - (ii) the action taken by the school as a result of the complaint (regardless of whether it was upheld).
- 8.2 Correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 Act requests access to them.

Schedule 1

Exemptions to Complaints Process

Exemption	Who to contact
Admissions to school	Admissions authority – details will be provided on the admission sections of the relevant academy website. Please contact the academy if you cannot access the information on the website
Statutory assessments of Special Educational Needs	Local Authority carrying out the assessment
Matters likely to require a Child Protection investigation	Designated Safeguarding Lead at the relevant Academy or via the relevant Local Children's Safeguarding Board – please see the safeguarding section on the relevant Academy website. Please contact the Academy if you cannot access the information on the website
Exclusion from school	Parents and carers may use Academy procedures to challenge permanent exclusions and fixed term exclusions. Details of the processes to follow will be provided in the documentation provided at the time of the exclusion. In the event of queries please contact the Academy for further details
Whistleblowing	A copy of the whistleblowing policy is on the academy website or please contact the academy if you cannot access the information on the website.
Staff grievances and disciplinary procedures	The Academy has staff grievance and discipline policies and procedures and a code of conduct in place. Complainants are not informed of the outcomes of actions under these procedures
Complaints about services provided by external bodies using a school's premises or facilities.	Providers should be contacted directly and have their own procedures for such eventualities
Appeals relating to internal assessment decisions for external qualifications	Separate appeals procedures apply – please contact the Academy for further details

ANNEX 1:**The Academy Complaint Form**

Please complete this form and return it to the Head's PA, who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:	
Relationship to pupil:	
Pupil's name:	
Your address:	
Daytime telephone number:	
Evening telephone number:	
Please give concise details of your complaint, (including dates, names of witnesses etc), to allow the matter to be fully investigated. You may continue on a separate piece of paper, or attach additional paperwork, if you wish.	
Number of additional pages attached:	
What action, if any, have you already taken to try to resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?)	
What actions do you feel might resolve the problem at this stage?	

Signature:**Date:****Academy use**

Date form received:	
Received by:	
Date and acknowledgement sent by:	

Complaint referred to:	
Date:	