

Beacon Hill Academy

Complaints Policy



Approved by Governing Body: January 2020

This policy is directly in line with guidance from the Department of Education and must be followed in all cases.

It applies to all concerns and complaints other than:

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

The Academy will 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. The complaint will not be investigated if the complaint is brought more than 1 year from the original incident.

The prime aim of the policy is to resolve the complaint as fairly and speedily 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 Academy.

Beacon Hill Academy Complaints Policy has four main stages. In summary these are as follows:

- **Stage 1** - A concern is raised informally with a staff member
- **Stage 2** - Formal complaint is heard by Principal / Vice Principal
- **Stage 3** - Complaint is heard by the Chair or Vice Chair of Governors
- **Stage 4** - 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, you will be notified of the change in timescales.

Record Keeping and Confidentiality

All complaints received, along with the investigation and final outcome, are securely stored confidentially within the Academy premises by the HR manager. All records of complaints are confidential.

Non-Parental Complaints

The Academy will use the same process for non-parental complaints; however, this will go straight to Stage 2, and not involve a class teacher.

Vexatious Complaints

There will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Governing Body will inform them in writing that the procedure has been exhausted and that the matter is now closed.

The Governing Body has a policy regarding vexatious complaints/ harassment (appendix 1) and will act according to this policy.

Complaints Procedure

Stage One: Complaint heard by Staff Member

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 Academy can be crucial in determining whether the complaint will escalate. To that end, if staff are made aware of the procedures, they know what to do when they receive a complaint.

In most cases the first person to speak to will be the class teacher. The class teacher may refer the complainant to another staff member if appropriate.

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 matter 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 5 working days.

The majority of concerns will be satisfactorily dealt with in this way. However, if you are not satisfied with the outcome at stage 1, please write to the school within 10 school working days and state why you do not think that the concern has been dealt with to your satisfaction. The Academy will then look at your complaint at the next stage. If you have difficulties writing the Academy can arrange for someone to note your complaint.

Stage Two: Complaint heard by Principal / Vice Principal

Formal complaints shall be put in writing and addressed to the Principal (who may decide to refer this to the Vice Principal to address). The complaint will be logged including the date received and the Academy will acknowledge receipt of the complaint within 3 working days. In many cases this response will also report on the action the Academy has taken to resolve the issue. Alternatively, a meeting may be convened to discuss the matter further. This meeting will take place within 10 school working days. If you do not speak English you may bring an interpreter with you to this, or any subsequent meetings. The aim will be to resolve the matter as speedily as possible. However, if you are not satisfied with the result at stage 2, please write to the Academy within 10 working days of getting our response. You will need to inform the Academy of your reasons why you do not think that the concern has been dealt with to your satisfaction.

Stage Three: Complaint heard by the Chair or Vice Chair of Governors

If the matter has not been resolved at Stage 2, the Chair (who may decide to delegate this to the Vice Chair of Governors) will arrange further investigation.

Following the investigation s/he will give a written response within 14 working days. If you are dissatisfied with the result at Stage 3, you should let the Chair/Vice Chair of Governors know within 10 working days of getting the response, again giving your reasons why.

Stage Four: Complaint Heard by Governing Body's Complaints Appeal Panel

If the complaint has not been resolved at Stage 3, you should write to the Chair of Governors at the Academy address, within 10 working days, giving details of the complaint. No new complaint may 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 people who have not been directly involved in the matters detailed in the complaint. At least one member of the panel will be an individual who is independent of the management of and running of the Academy. The hearing will normally take place within 10 working days of the receipt of the written request for a stage 4 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 Academy and the complainant. This will be minuted by the Clerk to Governors. All parties will be notified of the Panel's decision in writing within 5 school working days after the date of the hearing.

The letter will explain if your complaint is entitled to further investigation by any other body, or whether you have the right to take this matter to any other official body and if so, to whom they need to be addressed.

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 Academy.

Complaints about the conduct of the Principal

In cases where the matter concerns the conduct of the Principal, the Principal and Chair of Governors must both be informed in writing of your complaint. The Chair will arrange for the matter to be investigated as at Stage Three 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 4 above.

Following the outcome of stage 4 of this procedure, complaints regarding Academies may be considered by the Education Schools Funding Agency [ESFA] only in specific circumstances shown next.

The ESFA can only look at complaints about academies that fall into the following two 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.

The ESFA cannot review or overturn an academy's decisions about complaints but will look at whether the academy considered the complaint appropriately. The ESFA 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 ESFA 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 ESFA will ensure this is put right.

- b. The academy has failed to comply with a duty imposed on it under its funding agreement with the Secretary of State.

One of the ESFA's main responsibilities is to ensure that academies comply with their funding agreement with the Secretary of State. The ESFA will seek to resolve any concerns regarding potential or actual breaches of the funding.

Appendix 1

POLICY FOR DEALING WITH PERSISTENT OR VEXATIOUS COMPLAINTS / HARASSMENT IN SCHOOLS

The Principal and staff deal with specific complaints as part of their day-to-day management of the Academy in accordance with the Academy's 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 school may take action in accordance with this policy.

AIMS

The aims of this policy are to:

- 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
- support the well-being of students, staff and everyone else who has legitimate interest in the work of the Academy, including governors and parents
- 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 ACADEMY:

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

- inform them of the complaints procedure
- inform them of the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment in School
- respond within a reasonable time

- be available for consultation within reasonable time limits bearing in mind the needs of the pupils/students within the Academy 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, other policies and practice keep complainants informed of progress towards a resolution of the issues raised

THE ACADEMY'S EXPECTATIONS OF PARENTS/CARERS/MEMBERS OF THE PUBLIC

The Academy will expect parents/carers/members of the public who wish to raise problems with the Academy to:

- treat all school staff with courtesy and respect
- respect the needs and well-being of pupils and staff in the school
- 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 school's Complaints Procedure

If the above is not adhered to the Academy reserves the right to refuse to investigate until the above 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 Academy and whose behaviour is unreasonable.

Such behaviour may be characterised by:

- actions which are obsessive, persistent, harassing, prolific, repetitious
- prolific correspondence or excessive e-mail or telephone contact about a concern or complaint
- an insistence upon pursuing unsubstantial complaints and/or unrealistic 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, for example, if the desired outcome is beyond the remit of the school 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 school staff and/or
- cause ongoing distress to individual member(s) of school staff and/or
- have a significant adverse effect on the whole/parts of the school 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 regard 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 to be unreasonable/unacceptable and, therefore, to 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 meetings may be taken in the interests of all parties
- inform the complainant that, except in emergencies, all routine communication with the complainant to the Academy should be by letter only
- (in the case of physical or verbal aggression) consider warning the complainant about being banned from the school site; or proceed straight to a 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 Academy may resume the process identified above at an appropriate level. In these circumstances' advice may be sought from the Local Authority and/or other relevant organisations.

Appendix 2

Beacon Hill Academy

Complaint Form



Please complete and return to Clerk to Governors, who will acknowledge receipt and explain the complaints process.

Your Name: _____

Pupil's Name: _____

Your relationship to the pupil (if relevant): _____

Address: _____

Telephone number (day): _____

Telephone number (evening): _____

Please give brief details of your complaint:

What action, if any, have you already taken to try to 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: _____