

COMPLAINTS PROCEDURE

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Preamble

All academies must have a complaints procedure which meets the standards set out in the Education (Independent School Standards (England) Regulations 2010 Schedule 1, Part 7.

1. Procedure for dealing with all complaints

1.1 In relation to resolving complaints in any of the schools of Schoolsworks Academy Trust (hereinafter 'the Trust'), the principal aim of the Board of Directors is to deal with all complaints openly, fairly, promptly and without prejudice. This procedure is a staged process designed to ensure every effort is made to deal with complaints informally with the complainant if appropriate and escalated when necessary.

1.2 A complaint against a school, as defined by section 206 of the Apprenticeships, Skills, Children and Learning Act 2009, is a complaint that the pupil or parent of the pupil has sustained injustice in consequence of an act or omission of the Board of Directors of the Trust or of the school community council of the school or the exercise of, or failure to exercise, a prescribed function of the headteacher of the school. A complaint against a school does not include a decision about admissions to the school or any other matter about which the complainant has, or had, a prescribed right of appeal.

1.3 This procedure will also be used to deal with complaints raised by persons who are not pupils or parents of pupils in school in respect of any community facilities or services the school provides.

2. Guidance on Each Stage of the Procedure

2.1 Stage One: Discuss concerns informally with the relevant teacher or other designated person.

2.1.1 Complainants are advised to speak to the teacher concerned if the matter is to do with a pupil or the curriculum and to the school business manager if it relates to any other matter. Experience has shown that most complaints can be resolved at this informal stage.

2.1.2 If the complainant indicates that he/she would have difficulty in discussing a complaint with a particular member of staff, the complainant should be referred to another member of staff (who may not necessarily be more senior).

2.1.3 The member of staff who is dealing with the complaint should ensure that the complainant is reassured that the matter will be investigated and is clear what action has been agreed. All staff should be aware of the need for confidentiality.

2.1.4 A brief record of any telephone calls, meetings and agreed actions relevant to the complaint should be retained. Every written record kept is subject to disclosure under either the Freedom of Information Act or the Data Protection Act. It is crucial that staff are aware that paperwork could be released on request. A senior member of staff will monitor retained records.

2.1.5 If the complainant, or a staff member, feels the matter needs to be pursued further, the headteacher or a senior member of staff should be contacted.

2.2 Stage Two: Discuss concerns formally with the headteacher or a senior member of staff.

2.2.1 Complaints that remain unresolved at the end of Stage 1, or complaints that have been initiated at Stage 2 because of their nature or complexity, should be referred to the headteacher or to a senior member of staff for investigation. Any meetings held with the complainant in relation to the complaint should be arranged within 10 school days. The complainant may bring an independent third party with them to any meetings. More complex complaints may require an extension to this time limit and agreement should be sought from the complainant. The complainant should be kept informed of progress at all times.

2.2.2 A record of all dialogue (written or oral) relating to the complaint should be retained.

2.2.3 The headteacher or senior staff member should communicate the outcome of Stage 2 to the complainant, together with any agreed actions and a record of these actions should be kept within school.

2.2.4 If, following the investigation, issues arise relating to staff discipline or capability, details should remain confidential to the headteacher. However, the complainant should be informed that the school has taken appropriate follow-up action.

2.3 Stage Three: Make a formal complaint in writing to the chair (or vice-chair) of the school community council.

2.31 The chair or vice-chair of the school community council should only proceed with Stage 3 of the complaints procedure if they have received a complaint in writing addressed to the chair of the school community council, and all previous stages have been exhausted (unless the nature of the complaint is such that it is appropriate to initiate the complaint at Stage 3).

2.32 The clerk to the school community council will send acknowledgement of the written complaint within 2 school days.

2.33 Details of the complaint should not be disclosed to the full school community council at this stage.

2.3.4 The chair of the school community council will respond in writing to the complainant within 5 school days of receipt of the written complaint.

2.4 Stage Four: Make a formal complaint in writing to the chairman (or vice-chairman) of the Schoolsworks Board who will then convene a complaint panel.

2.4.1 Should the complainant still feel that the matter needs to be pursued further, then he/she should write to the company secretary or chairman of the Trust's Board of Directors after which the chairman or vice-chairman of the Board will convene a complaint panel.

2.4.2 Any SCC member or director can sit on the complaint panel, which is usually convened with 3 or 5 SCC members or directors appointed by the chairman of the Board supported by a clerk. None of them can have had any prior involvement or knowledge of the matter under consideration.

2.4.3 It is for the Board to agree on procedures to be followed at the complaint panel, which should meet within 15 school days of the company secretary or chairman receiving the complainant's written request and to appoint a chair of the complaint panel who should be a director.

2.4.4 The chair of the complaint panel should notify the complainant and headteacher as to whether their attendance is required at the meeting. Neither party will attend in the absence of the other. Alternatively, the panel may decide to consider written material only.

2.4.5 If the complaint relates to a staff disciplinary or capability issues about which the headteacher has already taken action, the panel should focus on how the original complaint was dealt with to avoid prejudicing any on-going disciplinary or capability procedures.

2.4.6 The complainant and headteacher should be informed of the panel's decision in writing within 10 school days. This concludes the school's Complaints Procedure.

2.5 Conclusion

2.5.1 This is the end of the complaints procedure. The complainant can only have recourse to the Education Funding Agency if they believe there has been an error on a point of law.

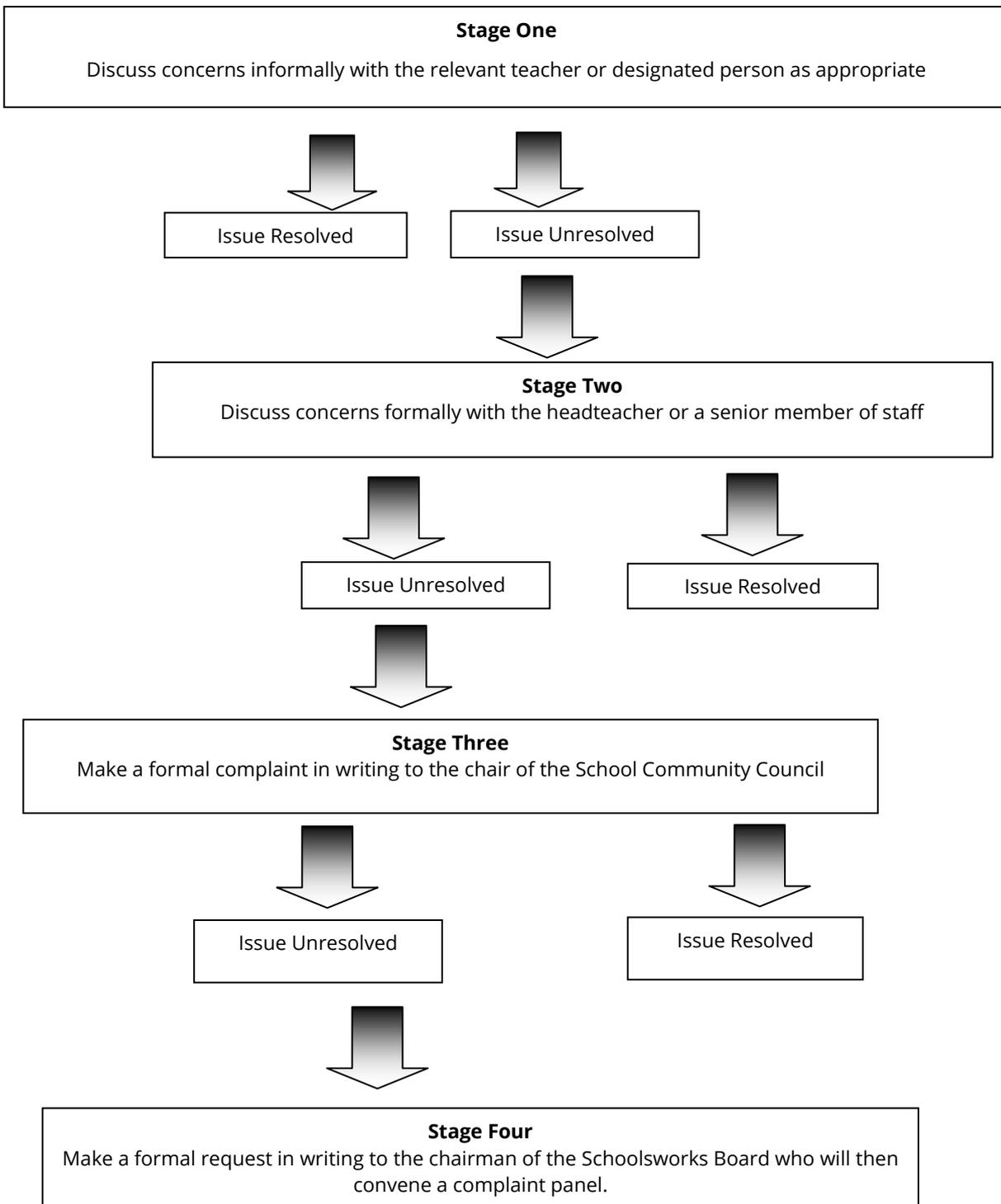
2.6 EFA Contact Details:

By post to

Academies Central Unit (Academy Complaints),
Education Funding Agency
Earlsdon Park
53-55 Butts Road
Coventry
CV1 3BH

By email to academyquestions@efa.education.gov.uk

Appendix A: Overview of Complaints Process



Appendix B: Checklist for Panel Hearing

- The hearing is as informal as possible
- Witnesses are only required to attend for the part of the hearing in which they give their evidence
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses
- The headteacher may question both the complainant and the witnesses after each has spoken
- The headteacher is then invited to explain the academy's actions and be followed by the academy's witnesses
- The complainant may question both the headteacher and the witnesses after each has spoken
- The panel may ask questions at any point
- The complainant is then invited to sum up their complaint
- The headteacher is then invited to sum up the academy's actions and response to the complaint
- Both parties leave together while the panel decides on the issues
- The chairperson explains that both parties will hear the decision of the panel within a set time-scale

Appendix C: Complaint Form

SCHOOLSWORKS ACADEMY TRUST – COMPLAINT FORM

Please complete and return to the academy's complaints co-ordinator 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 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 _____

Appendix D: Policy in Unacceptable Behaviour

Schoolsworks Academy Trust recognises that it is the last resort for complainants. They also have a duty to ensure the safety and welfare of pupils, parents and staff.

The Trust is committed to dealing with all complaints fairly and impartially and to provide a high quality service to those who make them. As part of this service it would not normally limit the contact complainants have. However the Trust does not expect the Academy's staff to tolerate behaviour by complainants which is unacceptable, for example, which is abusive, offensive or threatening, and it will take action to protect staff from that behaviour. This applies to unacceptable behaviour on any part of the school premises, including the yard.

If the headteacher considers that a complainant's behaviour is unacceptable the complainant will be told why their behaviour is deemed to be unreasonable and will be asked to change it. If the unacceptable behaviour continues the headteacher will take action to restrict the complainant's contact with the Academy.

Unacceptable actions and behaviours

These are some of the actions and behaviours of unreasonable and unreasonably persistent complainants which the Trust often find problematic. It is by no means an exhaustive list and local factors may vary, but these are examples that frequently come to our attention.

- Foul and abusive language towards staff, other parents and pupils.
- Behaviour that staff consider to be harassing and intimidating, including in person, over the telephone, or any other type of communication.
- Undermining school policies by actively encouraging pupils to ignore staff requests.
- Making unnecessarily excessive demands on the time and resources of staff, by for example excessive telephoning or sending emails to numerous staff, writing lengthy complex letters every few days and expecting immediate responses.
- Combinations of some or all of these.

The decision to restrict access to one of our schools will be taken by the headteacher. Any restrictions imposed will be appropriate and proportionate. The options most likely to be considered are:

- requesting contact in a particular form (for example, letters only);
- requiring contact to take place with a named member of staff;
- restricting telephone calls to specified days and times; and/or
- asking the complainant to enter into an agreement about their conduct.

In all cases we will write to tell the complainant why we believe his or her behaviour is unacceptable, what action we are taking and the duration of that action.

Where a complainant continues to behave in a way which is unacceptable, we may decide to terminate contact with that complainant and discontinue any investigation into their complaint. However, the Trust will seek to limit any detriment to any pupils who attend the academy, as far as is reasonable within these circumstances, e.g. access to parents evenings, newsletters, and any other correspondence.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of the academy's staff, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

Appendix E: Policy on Unreasonably Persistent Complainants

Schoolsworks Academy Trust recognises that it is the last resort for complainants. It is also accountable for the proper use of public money and must ensure that that money is spent wisely and achieves value for complainants and the wider public.

The Trust is committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who make them. As part of this service, it does not normally limit the contact complainants have with the academy.

However, there are a small number of complainants who, because of their frequent contact with the academy, hinder consideration of their or other people's, complaints. Such complainants are referred to as 'unreasonably persistent complainants' and, exceptionally, the headteacher will take action to limit their contact with the academy.

Actions and behaviours of unreasonable and unreasonably persistent complainants

These are some of the actions and behaviours of unreasonable and unreasonably persistent complainants which schools often find problematic. It is by no means an exhaustive list and factors may vary, but they are examples that may come to our attention.

- Refusing to specify the grounds of a complaint, despite offers of assistance with this from the academy's staff.
- Refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure's scope.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making what appear to be groundless complaints about the staff dealing with the complaints, and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds and/or denying statements he or she made at an earlier stage.
- Introducing new information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed questions which are particularly time consuming and costly to respond to and insisting they are all fully answered.
- Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.
- Adopting a 'scattergun' approach; pursuing a complaint or complaints with the academy and, at the same time, with a Member of Parliament/a councillor/the authority's independent auditor/the local authority/local police/solicitors/the Ombudsman/OFSTED.

- Making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being looked into, by for example excessive telephoning or sending emails to numerous academy staff, writing lengthy complex letters every few days and expecting immediate responses.
- Submitting repeat complaints, after complaints processes have been completed, essentially about the same issues, with additions/variations which the complainant insists make these 'new' complaints which should be put through the full complaints procedure.
- Refusing to accept the decision – repeatedly arguing the point and complaining about the decision.
- Combinations of some or all of these.

The decision to restrict access to the academy will be taken by the headteacher and will normally follow a prior warning to the complainant. Any restrictions imposed will be appropriate and proportionate. The options we are most likely to consider are:

- requesting contact in a particular form (for example, letters only);
- requiring contact to take place with a named member of staff;
- restricting telephone calls to specified days and times; and/or
- asking the complainant to enter into an agreement about their future contacts with us.

In all cases where we decide to treat someone as an unreasonably persistent complainant, we will write to tell the complainant why we believe his or her behaviour falls into that category, what action we are taking and the duration of that action. We will also tell them how they can challenge the decision if they disagree with it. If we decide to carry on treating someone as an unreasonably persistent complainant and we are still investigating their complaint six months later, we will carry out a review and decide if restrictions will continue.

Where a complainant whose case is closed persists in communicating with us about it, we may decide to terminate contact with that complainant. In such cases, we will read all correspondence from that complainant, but unless there is fresh evidence which affects our decision on the complaint, we will simply acknowledge it or place it on the file with no acknowledgement.

New complaints from people who have come under the unreasonably persistent complainant's policy will be treated on their merits.