



<b>Name of Policy</b>	<b>Complaints Procedure</b>
<b>Version</b>	<b>1.0</b>
<b>Berwick Academy</b>	
<b>Named Person(s)</b>	<b>Fiona Hall</b>
<b>Review Committee</b>	<b>Full Board</b>
<b>Last review date</b>	<b>1<sup>st</sup> April 2019</b> <i>New revised procedure (previous complaints policy April 2018)</i>
<b>Next review date</b>	<b>Summer 2021</b>

## COMPLAINTS PROCEDURE FOR USE BY PARENTS AND MEMBERS OF THE PUBLIC

This procedure is for use for complaints against the Academy, a member of staff or the Board of Trustees. There are separate arrangements, laid down by law to cover the following:

- Complaints against the curriculum, collective worship and religious education
- Appeals against admissions
- Appeals against exclusions
- Appeals about assessments and statements of special educational needs

For further guidance on any of the above please contact the Headteacher.

**Timescales:** We aim to resolve any complaint in a timely manner. Timescales for each stage of the Complaints Procedure are set out below in the relevant paragraphs. For the purposes of this policy, a “working day” is defined as a weekday during term time, when the relevant school is open. The definition of a “working day” excludes weekends and Bank Holidays.

### Aim and Statement

**Aim:** The aim of this policy is to ensure that a concern or complaint by a parent/carer is managed sympathetically, efficiently, at the appropriate level and is resolved promptly. This is good practice, fair to all concerned and it helps to promote parents’ and students’ confidence in our ability to safeguard and promote welfare. We aim to resolve every complaint in a fair, open and transparent way.

Berwick Academy expects that most complaints can be resolved informally and guarantees to treat seriously and confidentially all concerns whether raised informally or formally.

**Statement:** We need to know as soon as possible if there is any cause for dissatisfaction. We recognise that a difficulty that is not resolved quickly and fairly can soon become a cause of resentment, which could be damaging to relationships and our school culture. We intend that any parent/carer or student will feel that their complaint will be treated seriously, promptly and that it will not adversely affect a student or their opportunities at the academy. The policy, however, distinguishes between a concern or a difficulty which can be resolved informally and a formal complaint which requires further investigation.

### Stage One: Informal Complaints

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 school 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.

- **Concerns:** Most concerns, where a parent/carer seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Examples might include dissatisfaction about some aspect of teaching, disciplinary matters or issues outside of the classroom. Parents/carers should raise the matter with the school, initially with the member of staff involved, the Form Tutor, Pastoral Year Leader, Faculty Leader or the Assistant/Deputy Headteacher, as appropriate. The academy will ensure that informal concerns are resolved within 10 working days of being raised
- **Unresolved Concerns:** A concern which has not been resolved within 10 working days from the receipt of the complaint can be notified as a formal complaint in accordance with Stage 2 below
- **Record of Concerns:** In the case of concerns raised under Stage One of this procedure, the only record of the concern and its resolution will be file notes by the person dealing with the complaint and/or file correspondence between the person raising the concern and the respondent

If a complainant first approaches a Trustee, he/she should be referred to the appropriate person i.e. the member of staff concerned and identified above. Trustees should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a committee at a later stage of the procedure.

It is hoped the majority of complaints can be resolved at this stage.

## **Stage Two: Formal Consideration of Complaint**

An unresolved concern under Stage 1, or a complaint which needs investigation, or a more serious dissatisfaction with some aspect of the school's policies, procedures, management or administration should be set out in writing and with full details and sent with all relevant documents and full contact details for the attention of the Headteacher or the Chair of Trustees, as appropriate (complaints about the Headteacher should go to the Chair of Trustees). Should a formal written complaint be received by another member of staff, this should be passed immediately to an appropriate member of the Senior Leadership Team of the school, the Headteacher or the Chair of Trustees.

- **Acknowledgement:** The formal complaint will be acknowledged in writing normally within three working days of receipt during term time and as soon as practicable during the holidays. The acknowledgement will indicate the action that is being taken and the likely timescale for resolution
- **Investigation and Resolution:** The Headteacher may deal with the matter personally or delegate a senior member of staff to act as the Investigating Officer. The Investigating Officer may request additional information from the complainant and will fully investigate the issue. In most cases the Headteacher or Investigating Officer will meet or speak with the parent/carer to discuss the matter
- **Outcome:** Our aim is to inform the complainant of the outcome of an investigation and the resolution to the complaint within 20 working days from the receipt of the complaint. Please note that any complaint received during a school holiday or within 20 working days of the end of a term or half term may take longer to resolve
- **Record of Complaints:** Written records will be kept of any meetings and interviews held in relation to the complaint. Once the relevant facts have been established the Headteacher / Chair of Trustees should relay the decision, and the reason for the decision, in writing to the complainant
- **Unresolved Complaints:** Where the complainant is not satisfied with the school's response to their complaint they may have their complaint considered by an independent Complaints Panel

## **Stage Three: Complaint Heard by the Complaints Panel**

### **1. Process:**

A request for a complaint to be heard by a Complaints Panel (an appeal) must be made in writing and within 10 working days of the date of the decision made and communicated at Stage 2.

- **Acknowledgement:** Where an appeal is received, the Academy will, within three working days, refer the matter to the Clerk to the Board of Trustees who will act as the Clerk to the Complaints Panel. The Clerk will acknowledge, in writing, receipt of the appeal within three working days and inform the complainant of the steps involved in the process

The Clerk will be the point of contact for the complainant

- **Panel Hearing:** The Clerk will aim to convene an Appeal Panel Hearing as soon as possible, normally no later than 20 working days after the receipt of the Stage 3 request

- **Panel Membership:** The Panel will consist of two Trustees from the Board of Trustees who have not previously been involved in the complaint and one person who is independent of the management and running of Berwick Academy (the process of selecting the independent person will conform to relevant guidance). In deciding the makeup of the Panel, the Board of Trustees will try to ensure that it is a cross section of categories of Trustees, and sensitive to issues of race, gender and religious affiliation. The Panel will select its own Chair
- **The Remit of the Panel:** The Panel can -
  - Dismiss the complaint in whole or part
  - Uphold the complaint in whole or part
  - Decide upon the appropriate action to be taken to resolve the complaint
  - Recommend changes to the Academy's systems or procedures to ensure that problems of a similar nature do not recur

The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. The Panel Chair will ensure that the proceedings are as informal as possible.

- **Attendance:** The following are entitled to attend a hearing, submit written evidence and address the Panel;
  - The parents/carers and/or one representative
  - The Headteacher and/or one representative
  - Any other person who the Complaints Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision making

## **2. Evidence**

All parties will be given the opportunity to submit written evidence to the Panel in support of their position including;

- Documents
- Chronology and key dates
- Written statements setting out further detail

The evidence will be considered by the Panel along with the initial submission.

All written evidence must be received by the Clerk no later than five working days in advance of the Panel Hearing. The Clerk will distribute the evidence to all parties no later than three working days in advance of the Panel Hearing.

## **3. Roles and Responsibilities**

The Role of the Clerk: All panels considering complaints must be clerked. The clerk would be the contact point for the complaint 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
- Collate any written material and send it to the parties in advance of the hearing
- Meet and welcome the parties as they arrive at the hearing
- Record the proceedings
- Notify all parties of the panels decisions

The Role of the Chair of Trustees or Nominated Trustee:

- Check that the correct procedure has been followed
- If a hearing is appropriate, notify the clerk to arrange the panel

The Role of the Chair of the Panel: The Chair of the Panel has a key role ensuring that:

- The remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption
- The issues are addressed
- Key findings of facts are made
- Parents or others who may not be used to speaking at such a hearing are put at ease
- The hearing is conducted in an informal manner with each party treating the other with respect and courtesy
- The panel is open minded and acting independently
- No member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- Each side is given the opportunity to state their case and ask questions
- Written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it

#### **4. Decision**

The panel will reach a decision and make any recommendations within 10 working days of the hearing. The decision reached is final.

#### **5. Notification of the Panel Decision**

The panel's findings will be sent, by writing to the Clerk, to the parents/carers, the Chair of Trustees and the Headteacher and where relevant, to the person complained about. The letter will state the reasons for the decision reached and any recommendations made by the panel. A copy of the Panel's findings and recommendations will also be available for inspection on the school premises by the proprietor and the head teacher.

#### **6. Record Keeping**

The Academy will keep a record of all appeals, decisions and recommendations of the Complaints Panel. All 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 2008 Act requests access to them.

#### **7. Vexatious Complaints**

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complaint remains dissatisfied. Please see Appendix D and E for further details of how such complaints will be dealt with and examples of behaviour which will not be tolerated.

### **Stage 4: Education Skills Funding Agency (ESFA)**

Complaints can be made directly to the ESFA via the Department for Education's School Complaint Form online or by post to;

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

The ESFA will **only** look at complaints that fall into the following areas;

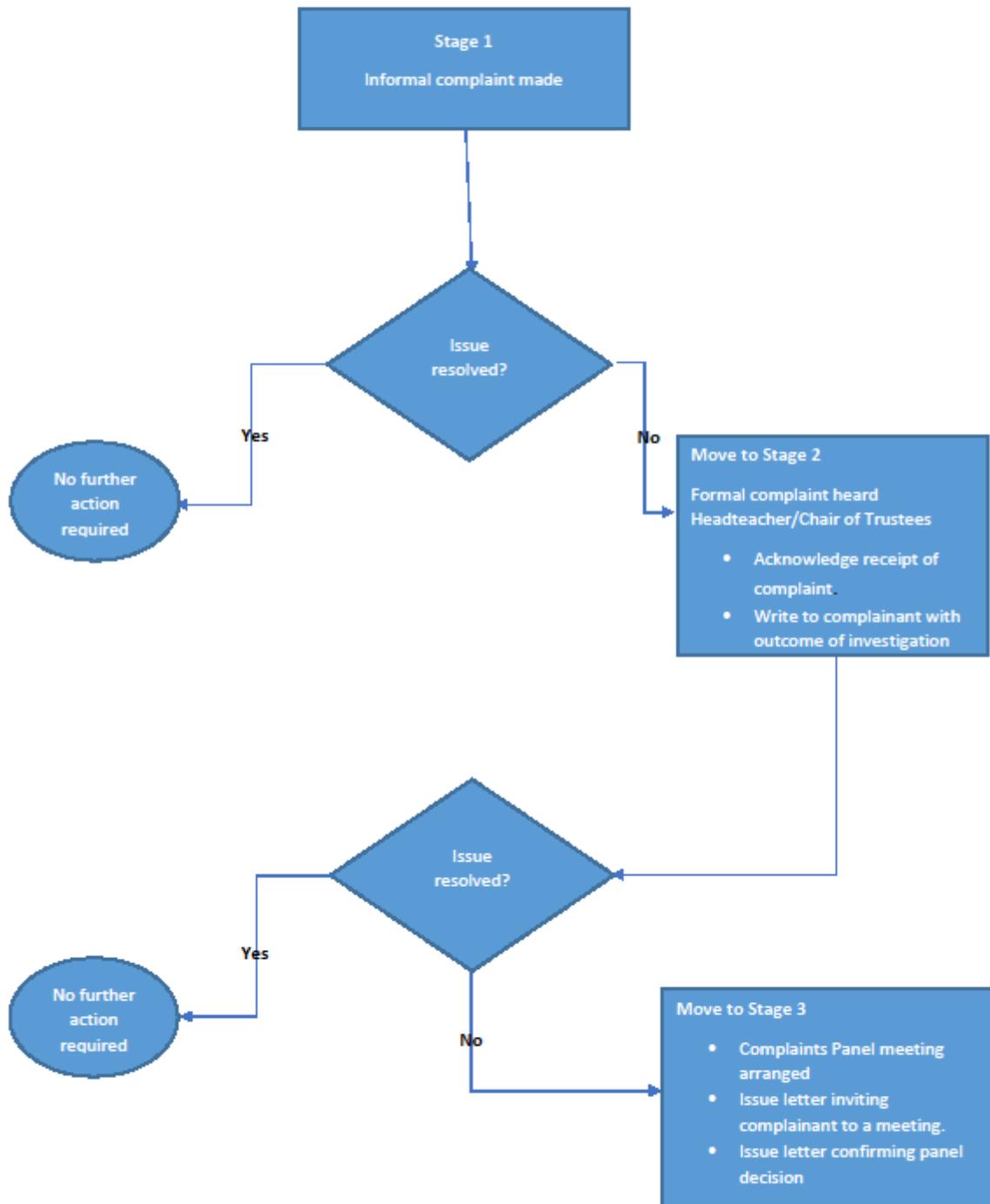
- Undue delay or non-compliance with the Academy complaints procedure
- Failure to comply with the terms of the Academy Funding Agreement
- Failure to comply with any other legal obligation

## Appendix A: Checklist

### Checklist for Hearing Panel:

- ✓ 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 the academy's actions and response to the complaint
- ✓ Both parties leave together while the panel decides on the issues
- ✓ The chair explains that both parties will hear from the panel within a set time-scale

If a formal complaint is made, Stage 2 of the process is automatically invoked.



**Appendix C: Complaint Form**

**BERWICK ACADEMY- FORMAL COMPLAINT FORM**

Please complete and return to Fiona Hall (hallf@berwickacademy.co.uk) (complaints coordinator) who will acknowledge receipt and explain the complaints process.

Your Name.....

Students Name .....

Your relationship to the student (if relevant): .....

Address  
.....

Telephone number (day) :.....

Telephone number (evening) :.....

Please give brief details of your complaint

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What action, if any have you already taken to try to resolve your complaint? (Who did you speak to and what was their response?)

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What actions do you feel might resolve the problem at this stage?

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Are you attaching any paperwork? If so, please give details

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Signature .....  
(Complainant)

Date .....

## Appendix D: Policy on Unacceptable Behaviour

The Board of Trustees recognises that it is the last resort for complaints. They also have a duty to ensure the safety and welfare of students, parents and staff.

The Board of Trustees 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 would not normally limit the contact complainants have. However the Board of Trustees 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 complaints which Academy's 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 students
- 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 students 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 our school 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 specific 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 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 Board of Trustees will seek to limit any detriment to any students 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 Complaints**

The Board of Trustees recognises that it is the last resort for complaints. It is also accountable for the proper use of public money and must ensure that money is spent wisely and achieves value for complainants and wider public.

The Board of Trustees 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 complaints which schools often find problematic. It is by no means an exhaustive list and factors may vary, but they are examples that may have come to our attention.

- Refusing to specify the grounds of a complaint, despite offers of assistance with this from Academy's staff
- Refusing to cooperate 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 proceed 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 hers 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 the complainant. In such cases, we will read all correspondence from that 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 complainants' policy will be treated on their merits.