



RIDGEWAY ACADEMY

COMPLAINTS PROCEDURE

Reviewed: November 2019

Adopted by Governing Body: February 2020

Review date: November 2021

Policy Responsibility: Mr A Hewitt

COMPLAINTS PROCEDURE

The school's nominated Complaints Co-ordinator is Mr A Hewitt, Business Manager.

This procedure does not apply to concerns and complaints relating to the matters listed in Annex D.

The academy trust expects members of staff to be addressed in a respectful manner and for communication to remain calm at all times. The procedure relating to unreasonable complaints or behaviour set out in Annex D will only be used on very rare occasions to deal with unreasonably persistent complainants or unreasonable complainant behaviour.

STAGE 1 – GUIDELINES FOR DEALING WITH CONCERNS AND COMPLAINTS INFORMALLY

The school expects all complainants to make reasonable attempts to seek an informal resolution. Most enquiries and concerns can be dealt with satisfactorily by the class teacher or head of year. We value informal meetings and discussions and encourage parents to approach staff with any concerns they may have and aim to resolve issues with open dialogue and mutual understanding.

Complainants may register their concerns on an informal level either verbally or in writing by letter or by use of a complaint form, see Annex B. If the member of staff first contacted cannot immediately deal with the matter, he or she must make a clear note of the date, name, contact address and phone number and brief details of the concern. This information must be relayed to the Complaints Co-ordinator at the earliest opportunity, and a check made later to make sure action is being taken and that the complaint has been recorded in the school's complaints log, which is held by the Records & Leadership Support Officer.

The complainant will be provided with an opportunity to discuss their concern with an appropriate member of staff, who clarifies the nature of the concern, the outcome the complainant is seeking, and gives reassurance that the school will treat it seriously.

The Complaints Co-ordinator will identify the appropriate complaint procedure and either investigate themselves, or nominate an appropriate colleague to do so. The Co-ordinator will make sure the complainant is clear what action (if any) or monitoring of the situation has been decided on, only putting this in writing if this seems the best way to make things clear.

Where no satisfactory solution has been found within 10 school days at the latest, the Complaint Co-ordinator will ask the complainant if they wish their concern to be registered formally.

STAGE 2 – FORMAL REFERRAL TO THE HEADTEACHER

If the concerns have not been resolved under stage 1, the following procedure will be followed.

The complaint should be submitted in writing to the Headteacher, either by letter or by completion of the school's complaint form, Annex B. The complainant will be made aware of the assistance available.

If the concerns relate to the Headteacher, or the Headteacher has been so involved as not to be impartial, the complainant must be advised to contact the Chair of the Governing Body.

The Chair will decide if they wish to have support. Where the Headteacher has acted as Complaint Co-ordinator at Stage One, another senior member of staff may be designated to collect some of the information from the parties involved, or another senior member of staff may be nominated to be the Investigator.

The investigator will acknowledge the complaint in writing within three school days, providing a brief explanation of the school's complaint procedure, their own name and telephone number, and a target date for providing a response – this should normally be within 10 school days. If there is any delay, a written explanation and revised target date will be sent.

The investigator will provide an opportunity for the complainant to meet him or her, to supplement or explain any information provided previously. Reasonable effort will be made to arrange a time and date convenient to the complainant, with a minimum three days' notice. The invitation will make it clear that they are welcome to be accompanied by a friend, relative, representative or advocate, to speak on their behalf and that interpreting facilities are available if needed. The venue will be suitable to those with special needs, ie. wheelchair access, hearing loop.

The investigator will interview witnesses and take statements from those involved. If the complaint centres around a student, the student should also be interviewed. Students will normally be interviewed with parents/carers present. In some situations, circumstances may prevent this, ie. where this would seriously delay the investigation of a serious/urgent complaint, or where particular circumstances mean that a student has specifically said he or she would prefer that they are not present. In such circumstances another member of staff with whom the student feels comfortable must be asked to attend.

Once all the relevant facts have been established, the Headteacher or designate will produce a report and a written response to the complainant. The Headteacher or designate will determine at their discretion whether it may be best to meet the complainant to discuss the outcome and resolve any outstanding concerns. In any event, the complainant should be offered the opportunity to meet with the investigator to discuss the outcome.

The written response will include:

- A full explanation of the decision reached and the reasons for it, including clarification of any misunderstandings by any of the parties involved.
- Where applicable, what action the school will take to address the complaint and prevent recurrence, which might include an undertaking to review school policies.
- An apology if appropriate (an admission that the situation could have been handled differently or better is not the same as an admission of any negligence). If there is a possibility of a claim for compensation or of legal action being brought, advice will be sought on the wording of the letter.
- Information on how and the timescale for requesting a review by the Complaints Committee at stage 3 if they are not satisfied with the outcome.

STAGE 3 – COMPLAINTS COMMITTEE REVIEW

A request to review a complaint investigation should be made in writing to the Clerk of the Governing Body, within 15 school days of receipt of the outcome letter.

The Clerk to the Governing Body will write to the complainant within three school days, to acknowledge receipt of the review request and, if necessary, request clarity in relation to the grounds for the review or confirm the scope of the complaint.

The Clerk will arrange for a Complaints Committee to be convened on behalf of the academy trust, made up of at least three members. The members of the Complaints Committee will include members of the Governing Body who have had no prior involvement with the complaint and one person who is independent of the management and running of the school and who has also had no prior involvement with the complaint.

If he/she has not previously been involved, the Chair of the Governing Body should chair the panel otherwise the Vice-Chair should do it. The Headteacher, or others involved in the original investigation should not have a place on the panel. If the complaint is from a parent, Governors will bear in mind the advantage of having a parent governor on the Panel and will also be sensitive to uses of race, gender and religious affiliation, to ensure a fair and balanced hearing of the case.

Every effort will be made to enable the Complaints Panel to be convened within 28 school days of receipt of the appeal and at the same time provides panel members with copies of all relevant correspondence and documentation. If this is extensive, the Chair of the Panel should prepare a thorough summary of the other members.

If, despite best efforts, it is not possible to find a mutually convenient date and time for a hearing within a reasonable timeframe, the Clerk may determine that the hearing proceeds on the basis of written submissions from both parties.

The complainant, Headteacher and other witnesses are given a minimum of five school days' notice of the appeals hearing. The complainant is advised of their right to bring a friend or representative, or to be represented by someone of their choice.

The Panel meeting will be kept as informal as possible, particularly when the complainant attends in person. A round table type of meeting will be adopted where possible.

The outcome of appeals may be to:

- Uphold the result of the original investigation, in which case a full explanation will be given.
- Find the complaint was justified and overturn the original decision. In this case the Review Panel will issue an apology and if the provision of a service or other remedial action is required, will ensure this is put in hand quickly and consider implications for procedures, staff training etc. If there is a possibility of a claim for compensation, or of legal action being brought, the Review Panel will seek legal advice on the on the wording of the letter.
- Find there has been no malpractice or failure of service, but that policies or resources did not permit what the complainant wanted. In this case, the Review Panel will consider whether or not it is appropriate for the policy or allocation of resources to be reviewed and give a full explanation of what action will be taken.
- The Chair of the Panel will notify the complainant in writing of the outcome and advise them of the right to refer the complaint to the Education and Skills Funding Agency (ESFA) in the event that they are dissatisfied with the decision (see stage 4 below).

STAGE 4 – REFERRAL OF COMPLAINT TO EDUCATION AND SKILLS FUNDING AGENCY (ESFA)

- If the complainant is dissatisfied with the decision of the Complaints Committee, they are entitled to refer the matter to the ESFA. The ESFA will only investigate whether the complaint was handled properly and in accordance with education legislation and any statutory policies connected with the complaint.
- At the time of writing, the ESFA's procedure and complaints form are available at:

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

MONITORING AND REPORTING

The Investigator will record the outcome and identify who is responsible for carrying out and monitoring any recommended action in the school's complaints log.

The Headteacher will produce a regular analysis of complaints received for the Governing Body.

RECORDS OF COMPLAINTS

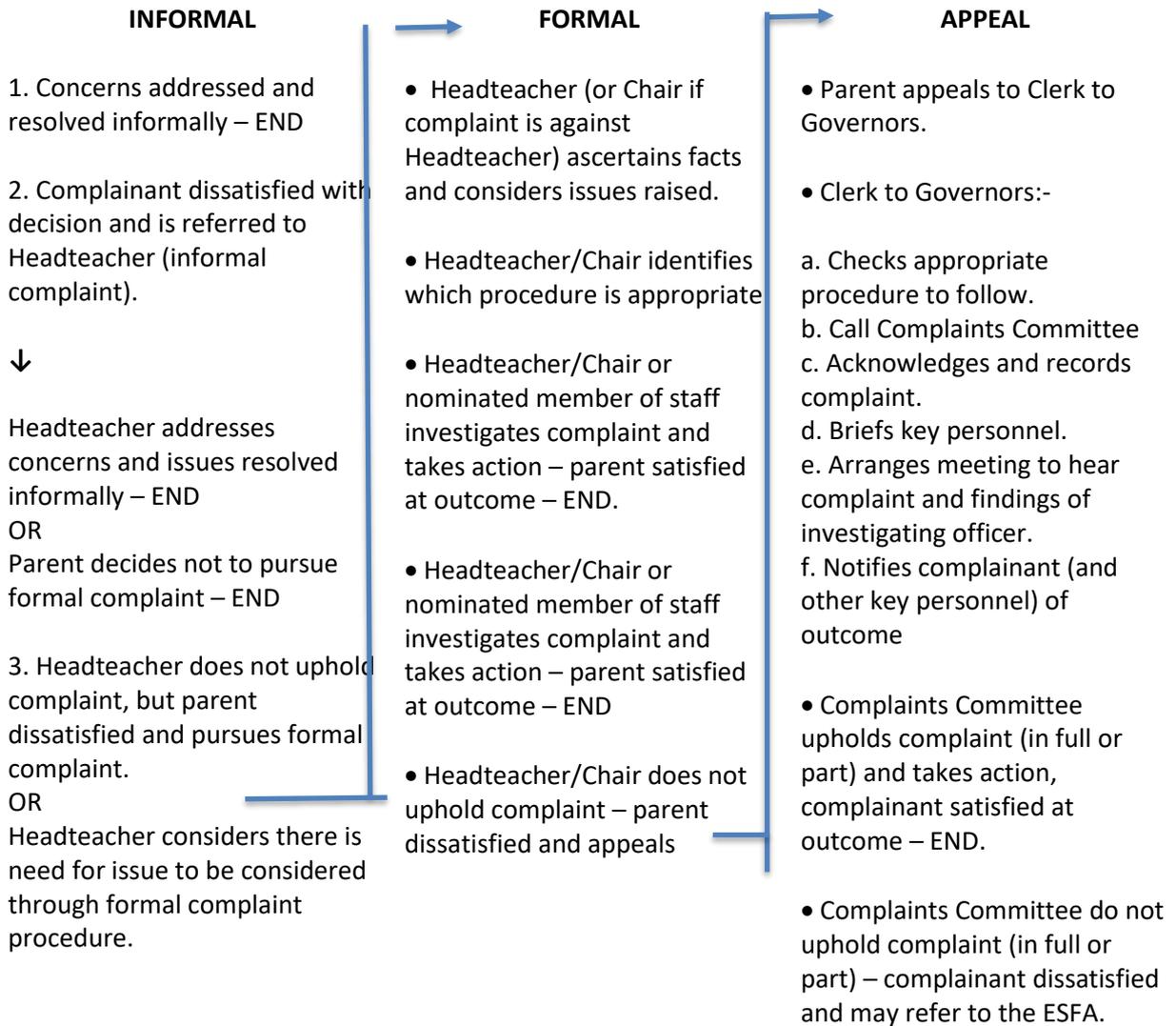
A record will be kept of all written formal complaints, including at what stage they were resolved and action taken by the school as a result of those complaints regardless of whether they were upheld. Correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State or where disclosure is required in the course of a school inspection or under other legal authority. The findings and recommendations of the panel will be available for inspection by the academy trust and the Headteacher.

FLOWCHART FOR COMPLAINTS RAISED AT RIDGEWAY ACADEMY

Concerns/enquiries/requests for action



Raised with class teacher or Deputy Headteacher who seeks to resolve.



RIDGEWAY ACADEMY

SCHOOL COMPLAINTS PROCEDURE
COMPLAINTS FORM

If there is anything which makes it difficult for you to tell us about your complaint, for example if English is not your first language, please tell us so that we can help you.

Data Protection

The personal data that you provide will be used for the purposes of investigating your complaint and for producing statistical data, to enable the school's management to monitor access to and the effectiveness of the school's complaint procedure. The information you give will be held securely and in confidence.

Please complete and return to Mr M Bennett, Headteacher who will acknowledge receipt and explain what action will be taken.

First Name:	
Surname:	(Mr/Mrs/Miss/Ms/Other)
Address:	
Postcode:	
Daytime Telephone Number:	
Evening Telephone Number:	
If your complaint relates to a student, please provide:	
Student's Name:	
Relationship to student:	
Please give details of your complaint:	
What action, if any have you already taken to try to resolve the complaint ? (Who did you speak to and what was the response?):	

What would you like us to do to make improvements to put things right?

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

Signature:

Date:

FOR OFFICE USE ONLY

Complaint reference:	
Date received:	
Date acknowledgement sent:	
By who:	
Date complaint logged:	
By who:	
Complaint referred to:	
Date:	

Complaints relating to the Code of Practice on the English Language Requirement for Public Sector Workers

What is the requirement?

The school has a duty to ensure that all employees in roles requiring contact with members of the public (students, parents, etc) as in integral part of their role, are able to converse fluently and accurately in English.

The recruitment process and performance management are designed to ensure that our employees meet the required standards.

If you feel that we have not met this duty you are able to make a complaint.

When can I make a complaint?

You can make a complaint if you feel that an employee in a customer facing role has insufficient proficiency in spoken English for the performance of their role.

What is not covered in the Code of Practice?

Complaints about regional or international accents, dialect, manner or tone of communication, origin or nationality are not considered legitimate complaints under the fluency duty.

The school will also not take forward any vexatious, oppressive, threatening or abusive complaints in relation to this fluency duty. Complaints which are without foundation and/or which are intended to result in harsh or wrongful treatment of the person who the subject of the complaint.

How do I make a complaint?

Please follow the school's complaints procedure.

All legitimate complaints will be investigated in accordance with the complaints procedure and the school will assess the merits of the complaint against the necessary standard of spoken English fluency for the role in question.

Any member of staff who is the subject of the complaint has a right to be notified of the complaint and any action being taken in relation to it.

Where a complaint is upheld the school will consider what steps can be taken to meet the fluency duty.

Matters excluded from the scope of this policy

Excluded Matters	Signposting
Admissions	The process for challenging admissions decisions is set out in the school's admissions policy in accordance with relevant statutory guidance.
Child protection matters	Complaints about child protection matters are handled under the school's child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).
Exclusions	The process for challenging exclusions decisions is set out in the DfE's statutory guidance and information can be found at https://www.gov.uk/school-discipline-exclusions/exclusions
National Curriculum content	Please contact the Department for Education at www.education.gov.uk/contactus
School re-organisation proposals	Where concerns are not adequately addressed by the trust, complaints can be raised direct with the Department for Education.
Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	<p>Certain complaints about staff may need to be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
Statutory assessments of Special Educational Needs (SEN)	Concerns about statutory assessments of special educational needs should be raised direct with the local authority.

Whistleblowing	<p>The school has an internal whistleblowing procedure for all employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns should complain through the school's complaints procedure. You may also be able to complain direct to the Department for Education (see link above), depending on the substance of the complaint</p>
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Unreasonably persistent complaints and unreasonable complainant behaviour

There are rare circumstances where we will deviate from the Complaints Procedure set out above. These include, but are not necessarily limited to:

- where the complainant's behaviour or language towards staff, members of the Governing Body is abusive, offensive, discriminatory or threatening;
- where the complaint's behaviour is hindering our consideration of complaints and/or the proper running of the school because of the frequency or nature of the complainant's contact, such as, if the complainant:
 - 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
 - refuses to accept that certain issues are not within the scope of the complaints procedure
 - insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
 - introduces trivial or irrelevant information which they expect to be taken into account and commented on
 - 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
 - seeks an unrealistic outcome, such as the inappropriate dismissal of staff
 - makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
 - knowingly provides falsified information
 - publishes unacceptable information on social media or other public forums
- where the complainant's complaint is clearly frivolous, vexatious and/or has patently insufficient grounds. The Office of the Independent Adjudicator defines the characteristics of a 'frivolous' or 'vexatious' complaint as:
 - complaints which are obsessive, persistent, harassing, prolific, repetitious
 - insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
 - insistence upon pursuing meritorious complaints in an unreasonable manner
 - complaints which are designed to cause disruption or annoyance
 - demands for redress that lack any serious purpose or value
- where the complainant's complaint is the same, similar to or based on the same facts of a complaint which has already been considered in full.

In these circumstances, we may:

- inform the complainant that their behaviour is unacceptable or unreasonably persistent and ask them to change it;
- restrict the complainant's access to the school e.g. requesting contact in a particular form (for example, letters only), requiring contact to take place with a named person only, restricting telephone calls to specified days and times or banning the complainant from the school's premises. Any such arrangements will be reviewed after six months;
- conduct the Complaints Committee on the papers only i.e. not hold a hearing;
- refuse to consider the complaint and, the complaints procedure does apply, refer the complainant directly to Stage 4.

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

We may take the decision not to respond to any further correspondence where:

- we have taken every reasonable step to address the complainant's concerns
- the complainant has been given a clear statement of our position and their options and
- the complainant contacts us repeatedly, making substantially the same points each time

The case for ceasing further correspondence is stronger where:

- letters, emails, or telephone calls are often or always abusive or aggressive or make insulting personal comments about or threats towards staff
- we have reason to believe the complainant is contacting us with the intention of causing disruption or inconvenience

Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, members of the Governing Body, 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.