



COMPLAINTS PROCEDURE

Including Managing Serial and Unreasonable Complaints

April 2023

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|------------------------|--------------|
| Responsibility | Head Teacher |
| Date of next review by | April 2024 |

Signed:
Chair of Governors

Date: 29th March 2023

Signed:
Head Teacher

Date: 29th March 2023

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1.

Introduction

- 1.1** The Aspire Academy recognises that parents and carers are important partners in providing a happy, safe environment in which pupils may learn.
- 1.2** For the relationship between the school, the pupil and the parents/carers to be productive, good communications are essential.
- 1.3** The Aspire Academy will make all parents/carers aware how they can raise concerns using procedures that can be easily be accessed by them all. These procedures will be included in:-
- Information given to new parents when their children join the school.
 - Home-school agreement.
 - School website.
- 1.4** It is important that concerns are addressed at the earliest opportunity. In this way, the majority of complaints can be resolved informally. The school needs to know as soon as possible when parent/carers are concerned or worried so that they can work together to resolve the matter. Outcomes should be recorded at each stage, with gender, ethnicity or disability of the complainant being recorded in order to address any equality issues.
- 1.5** The complaints procedure is designed to ensure the process is consistent and fair to all parents/carers.
- 1.6** Confidentiality should be respected at all times although it may be necessary that information will need to be shared to enable a thorough investigation to be carried out. However, all documentation, etc., will be treated as confidential.
- 1.7** Complaints procedures should not be used for the following, as there are specific procedures that must be followed:-
- Complaints about the curriculum
 - Collective worship
 - Religious education
 - Pupil admissions
 - Pupil exclusion
 - Special educational needs
 - Child protection
 - Employee grievances and disciplinary proceedings
 - Anonymous complaints
- 1.8** The flowchart in Appendix A outlines The Aspire Academy's procedure for dealing with complaints.
- 1.9** The flowchart in Appendix B describes an amended procedure for dealing with a complaint where the parent/carer perceives the behaviour they are complaining of to be racist.

2. Complaints Procedure in Detail

- 2.1** The School will monitor and record parent/carer compliments, concerns and complaints. This will endorse and ensure the continuation of good practice within the school.
- 2.2** **Stage 1 (Informal)**

In the first instance the parents/carers should make their concerns known to a member of the Senior Management Team (Head Teacher or Deputy Head Teacher). Where the complaint is specifically about the Head Teacher, the parent/carer should discuss this directly with them.

- 2.3** The concern will be noted (including the outcome) and copied to the Head Teacher. Where the subject of the complaint is the Head Teacher these records should be copied to the Chair of Governors.
- 2.4** Where informal attempts by the School staff have failed to bring about a satisfactory resolution for the parent/carer, the parent/carer is entitled to make a formal complaint to the Head Teacher. Where the complaint concerns the Head Teacher, the parent/carer can omit referral stage 2 and proceed to stage 3 of the complaint procedure.
- 2.5 Stage 2 (Formal)**
This stage is normally triggered where a letter making a formal complaint is received by the Head Teacher. At this stage the Head Teacher may refer the complaint to the member of staff involved, if the Head Teacher considers it appropriate because Stage 1 has not been exhausted. The letter will be acknowledged within three school days and either the above or a formal investigation will commence.
- 2.6** This is the first stage of the formal complaints process and as a result, all communications between parties will be recorded.
- 2.7** Before proceeding with a formal investigation, the Head Teacher may wish to meet with the individual and discuss their concerns and wishes. It may still be appropriate and satisfactory to reach an informal resolution at this point. If not, the Head Teacher will decide whether the individual's complaint will be dealt with by this policy or another statutory procedure, and will then advise the parent/carer on their next course of action.
- 2.8** The investigation will involve the review of any relevant documentation and information. If necessary, witnesses will be interviewed and statements taken from those involved. If the complaint centres around a pupil, the pupil will also usually be interviewed.
- 2.9** The outcome of the investigation should be communicated to parents/carers either at a meeting (followed up in writing) or as a written response. This response will explain the outcome and should be supported by reasons for reaching this decision and what action (if any) will be taken. This response should be provided within 10 school days of acknowledging the complaint.
- 2.10** If the parent's written complaint concerns the Head Teacher, the Chair of Governors should follow sections 2.5 through to 2.9.
- 2.11** If the parent/carer is dissatisfied with the response they have been given and would like to take their complaint further, they will be referred to the School's Complaints Procedure and informed how to move on to the next stage.
- 2.12 Stage 3 (Formal)**
The parent/carer will be required to complete a Complaint Form and attach any relevant documentation and information and submit to the Chair of Governors.
- 2.13** On receipt of a completed Complaint Form, which is only provided to parent/carers that have exhausted stages 1 and 2 (or just stage 2 where a complaint concerns a Head Teacher) the Chair of Governors' will contact the Clerk and ask them to make preparatory arrangements for a Governors' Complaints Panel Hearing.
- 2.14** 'Clerk' may be the Clerk to the Governing Body, or another Governor.

- 2.15 The Committee will consist of three Governors chosen from the agreed pool of Governors, and the Committee will appoint its own Chair.
- 2.16 The Chair of Governors' or Clerk to the Governors' Complaints Panel should acknowledge receipt of a completed complaints form/letter within 5 school days.
- 2.17 The Clerk will inform the parent/carer that their complaint will be heard by a Complaints Panel within 15 school days. In exceptional circumstances the parent/carer should be notified where this time period will need to be extended and the reasons for this.
- 2.18 Prior to the Hearing, the Chair of Governors' may offer to meet the parent/carer informally to discuss the complaint. It may still be appropriate and satisfactory to reach a resolution at this point. If not, the Hearing will take place. If the Chair of Governors' has been involved in a meeting, they will be excluded from the Hearing.
- 2.19 The Clerk will convene a meeting of the Complaints Panel, confirm membership of the Panel, and arrange a time and date for the hearing. All relevant documentation from the Head Teacher and parent/carer will be distributed to all parties, including the Committee members in advance of the Hearing.

3. Roles and Responsibilities

3.1 The Head Teacher

To report regularly to the Governing Body regarding the number of complaints received by the School.

3.2 The Governing Body

- To adopt formally a school Complaints Policy.
- To nominate a pool of Governors (five minimum) from which a Complaints Panel (of three) can be constituted.
- To monitor and review the effectiveness of the complaints procedures.
- To set a timetable for monitoring and reviewing arrangements.
- To make future recommendations on policy as a result of complaints.
- To ensure that these recommendations have been carried out.

3.3 The Chair of Governors

- To receive formal complaints from parents/carers requesting consideration of their complaint by the Governors' Complaints Panel.
- To inform the Clerk of the Panel to begin making arrangements for the hearing.
- To follow Stage 2 (section 4.5-4.10) where the written complaint concerns the Head Teacher.

3.4 The Governors Complaints Panel

Role of the Clerk: Panel hearings must be clerked. The Clerk is the contact point for the parent/carer and will be expected to:

- Confirm 3 Governors as Panel Members.
- Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties (school and parent/carer) and that the venue and proceedings are accessible.
- Collate any written material and send it to the parties (including the Panel) in advance of the hearing.
- Meet and welcome the parties as they arrive at the hearing.
- Record the proceedings.
- Notify all parties of the Panel's decision.

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

- Parent/carers with English as an additional language or who are hearing impaired have access to an interpreter.
- 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 fact are made.
- Parents and 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 outcomes 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.

3.5 Notification of the Panel's Decision

The Chair of the Panel needs to ensure that the parent/carer is notified of the Panel's decision in writing within five school days of the hearing. The response will include any action (if any) that needs to be taken and where appropriate, suggest changes to, or review, the school's systems or procedures to ensure that similar problems do not happen again.

If the parent/carer is dissatisfied with the response they have been given and would like to take their complaint further, they should be referred to the school's Complaints Procedure and told how to move on to the next stage.

4. Appeal to the Secretary of State for Education

If a parent/carer remains dissatisfied with the outcome of stage 3, they are entitled to appeal directly to the Secretary of State for Education.

5. Time Limits, including complaints received outside of term time.

- 5.1** Complaints need to be considered, and resolved as quickly and efficiently as possible. The time limits specified within this document reflect this. However, these limits may on rare occasions be subject to exceptional circumstances and be exceeded as a result. In this situation new time limits must be set and the parent/carer sent details of these with an explanation for the delay.
- 5.2** A complaint will usually be considered as 'out of time' if it is raised more than three months after the matter in question being known to the complainant. We will consider complaints made outside of this time frame if exceptional circumstances apply.
- 5.3** Complaints received outside of term time will be considered to have been received on the first school day after the holiday period.

6. Vexatious Complaints

If properly followed, the school complaints procedure will limit the number of complaints that become protracted. However, there may be occasions when despite all stages of the procedure being followed, the individual remains dissatisfied.

If the individual tries to re-open the same issue, the Chair of Governors is able to inform them in writing that the procedures have been exhausted and that the matter is now closed.

7. Procedure and guidance for dealing with a complaint where the parent/carer perceives the behaviour they are complaining of, to be racist.

7.1 The Aspire Academy is committed to combating racism and acts of racial harassment and seeks to encourage a positive ethos that promotes racial justice, tolerance, diversity and harmony.

7.2 We have adopted the definition of a racial incident which is in line with the McPherson report:

“any incident in which it appears to the person reporting the incident and/or any other person that the incident involves an element of racial motivation”

“any incident which includes an allegation of racial motivation made by any person”

7.3 This means that any such incident must be investigated as potentially a racist incident. The following procedure is to be adopted when any complaint from a parent/carer has been made that such an incident has not been properly investigated and/or has not been investigated as a potentially racist incident. Consideration will need to be given to not only what the parent/carer says but also to their perceptions.

7.4 PROCEDURE

1. The general principles described in the main procedure for dealing with complaints apply when dealing with complaints alleging racist behaviour.
2. The Head Teacher may also consult the Worcestershire Race Equality Council for advice.
3. If at Stage 1 (informal) of the attached Complaints Procedure the staff member believes that the parent/carer's complaint has a racist element, then they must alert the Head Teacher immediately. If the complaint has been dealt with successfully, it must still be appropriately recorded with the knowledge of the Head Teacher.
4. If the complaint moves to Stage 2 (formal) the Head Teacher will inform the Chair of Governors'

8. Managing Serial & Unreasonable Complaints

The Aspire 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 our 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.

The Aspire Academy defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, 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.
- 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 referral to the Department of Education.
- Seeks an unrealistic outcome.
- 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.
- Uses threats to intimidate.
- Uses abusive, offensive or discriminatory language or violence,
- Knowingly provides falsified information.
- Publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could easily delay the outcome being reached.

Whenever possible, the Head Teacher or Chair of Governors will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the Head Teacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact The Aspire Academy causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from the Aspire Academy.

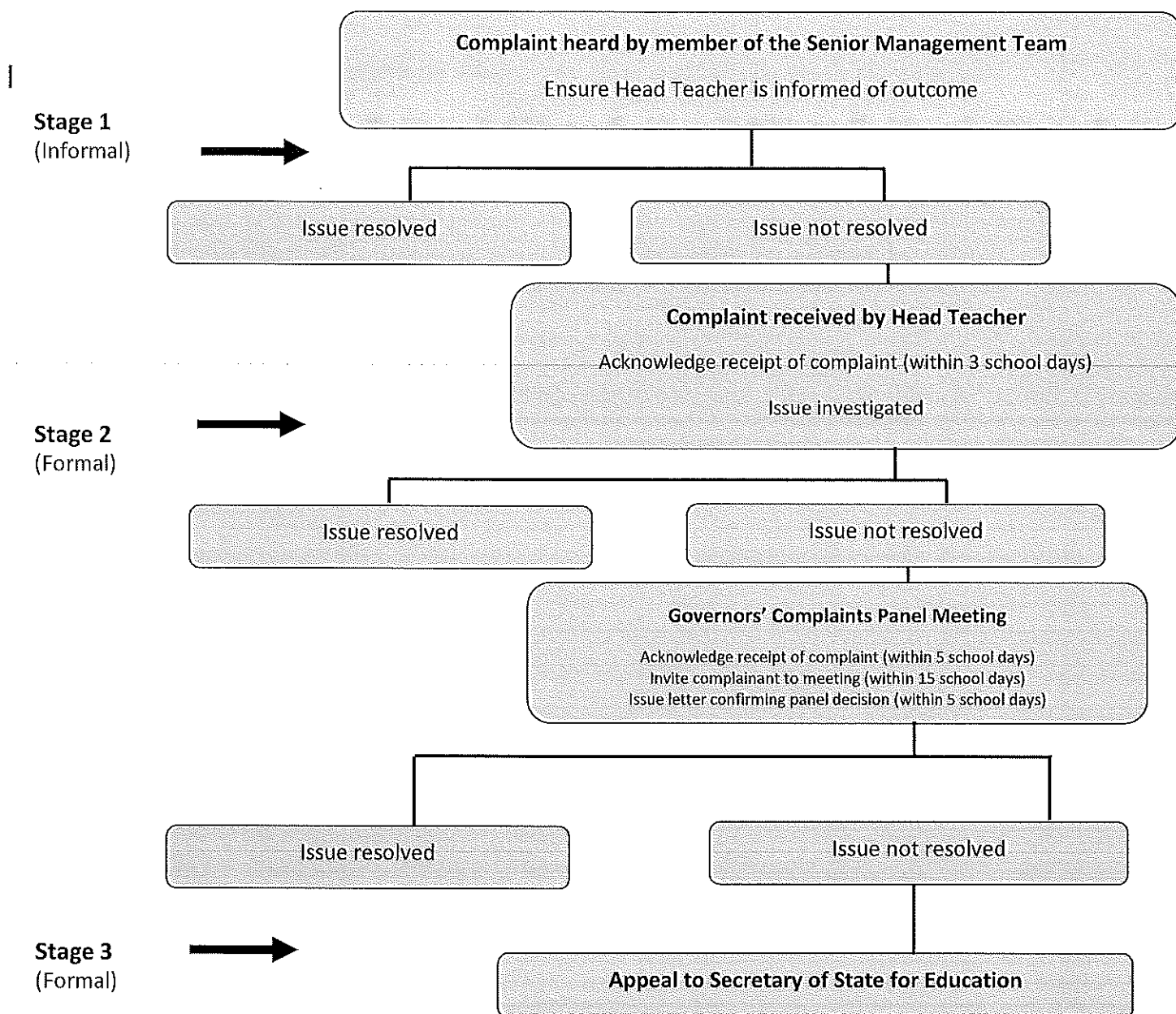
Note:

This policy can also be adapted to manage unreasonable or persistent contact not directly associated with, or resulting from Formal complaints.

9. Anonymous complaints

We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

Appendix A: School Complaints Procedure Flowchart



Appendix B: School Complaints Procedure Flowchart – Race

Stage 1 (informal)



Complaint heard by member of Senior Management Team
Ensure Head Teacher is informed of outcome

Issue resolved
Head Teacher to ensure that
complaint is logged as having a
racist element

Issue not resolved

Stage 2 (formal)



Complaint heard by Head Teacher

- Acknowledge receipt of complaint (within 3 school days)
- The Head Teacher will inform Chair of Governors.
- Write to complainant with outcome of investigation (within 10 school days)

Issue resolved

Issue not resolved

Stage 3 (formal)



Governors' Complaints Panel Meeting

- Acknowledge receipt of complaint (within 5 school days)
- Issue letter inviting complainant to meeting (within 15 school days)
- Issue letter confirming panel decision (within 5 school days)

Issue resolved

Issue not resolved

**Appeal to Secretary of State for
Education**

Appendix C: Model procedure for the conduct of a governors' panel hearing to consider a complaint

It is important that the members of the Governor Panel are impartial and independent, and seen to be so. The Panel members should have no prior involvement with the case, and be sensitive to the constitution of the Panel with regard to issues of equality. It may be the case that parents feel anxious that they will not be provided with opportunities for them to be heard or that the procedure is not seen to be fair (i.e. parents may perceive the Governors' view to be weighted in the school's favour). Panel members need to be aware these perceptions may exist and endeavour to demonstrate openness and objectivity in their actions.

THE MEETING

- Parent/carer to be advised as to who will be attending the meeting and reports submitted to the Panel should be made available to all parties in advance of the meeting.
- The Clerk to the Governors' Panel should invite the parent/carer, (who may be accompanied to the Hearing), Head Teacher (plus accompanying staff) into the room at the notified time and make introductions.
- The Clerk to the Governors' Panel should keep an accurate record of the discussion at the meeting.
- The Governors may need to refer to this to assist them in their consideration of the case. It may be helpful to the parent/carer for them to be informed if notes will be made available to them.
- The Chair should explain that the purpose of the meeting is to review the complaint and try to resolve the issues to enable reconciliation between the parent/carer and the school. It may only be possible to establish the facts and recommend future actions.
- The Chair should reassure all parties that they will have every opportunity to state their case.
- The Chair should explain the procedure of the meeting as below. It may be helpful to have printed copies of this available to all parties.

AGENDA

1. Introductions, reminder of confidentiality.
2. Parent/carer explains their reasons in making a complaint.
3. Head Teacher and panel members have the opportunity to ask questions and seek clarification from the parent/carer.
4. Head Teacher presents a report on the complaint.
5. Parent/carer and panel members ask questions and seek clarification from the Head Teacher.
6. The Head Teacher is invited to sum up.
7. The parent/carer is invited to sum up.
8. The Chair should explain that the decision will be communicated in writing to both parties and when they will be notified of this decision.
9. The Head Teacher and parent/carer are invited to withdraw to allow the Panel to consider its decision.

The Panel should consider: -

- The evidence (written and oral) from the school and parent/carer.
- The relevant school policies and procedures (e.g. anti-bullying, race equality, dress code, discipline).
- The extent to which the school's action is consistent with the appropriate school policy (i.e. have the school managed the issue in the manner defined in their documentation).
- The response of the Panel to the parent/carer's complaint, having considered the information made available to them, providing reasons for their decision.
- Any recommendations to review/revise school policies and procedures as necessary. This should identify a reasonable timescale and a nominated person who will be responsible for this to be achieved, and progress should be monitored by the appropriate sub-committee of the Governing Body (to be specified).
- The appropriate action to be taken by the school if appropriate.
- Recommendations on changes to school policies and procedures in the light of this experience, if necessary.

The Panel's decision, with reasons, should be confirmed in writing to the parent/carer, Head Teacher and Chair of Governors within five school days. Where appropriate, a copy of the findings will be sent to the complainant.

Appendix D: Complaint Form

Please complete and return to The Chair of Governors who will acknowledge receipt and explain what action will be taken.

| |
|-----------------------------------------------------------------------------------------------------------------------------------------------|
| Your name: |
| Pupil's name: |
| Your relationship to the pupil: |
| Address: |
| Postcode: |
| Day time telephone number: |
| Evening telephone number: |
| Please give details of your complaint: |
| What action, if any, have you already taken to try and resolve your complaint (who did you speak to, when, and what was the response)? |
| What actions do you feel might resolve the problem at this stage? |

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

Signature:

Date:

Official Use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

Appendix E: Roles and Responsibilities

Complainant

The complainant will receive a more effective response to the complaint if they:

- Explain the complaint in full as early as possible.
- Co-operate with the school in seeking a solution to the complaint.
- Respond promptly to requests for information or meetings or in agreeing the details of the complaint.
- Ask for assistance as needed.
- Treat all those involved in the complaint with respect.
- refrain from publicising the details of their complaint on social media and respect confidentiality.

Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- Providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - Sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved.
 - Interviewing staff and children/young people and other people relevant to the complaint.
 - Consideration of records and other relevant information.
 - Analysing information.
- Liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- Conduct interviews with an open mind and be prepared to persist in the questioning.
- Keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.
- Ensure that any papers produced during the investigation are kept securely pending any appeal.
- Be mindful of the timescales to respond.
- Prepare a comprehensive report for the Head Teacher or Complaints Committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Head Teacher or Complaints Committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Complaints Co-ordinator (this could be the Head Teacher / designated complaints governor or other staff member providing administrative support)

The complaints co-ordinator should:

- Ensure that the complainant is fully updated at each stage of the procedure.
- Liaise with staff members, Head Teacher, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure.
- Be aware of issues regarding:
 - Sharing third party information.
 - Additional support; this may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person.
- Keep records.

Clerk to the Governing Body

The Clerk is the contact point for the complainant and the committee and should:

- Ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR).
- Set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible.
- Collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale.
- Record the proceedings.
- Circulate the minutes of the meeting.
- Notify all parties of the committee's decision.

Committee Chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- Both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting.
- The meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy.
- Complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person.
- The remit of the committee is explained to the complainant.
- Written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR. If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting.
- Both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself.
- The issues are addressed.
- Key findings of fact are made.
- The committee is open-minded and acts independently.
- No member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure.
- The meeting is minuted.
- They liaise with the Clerk (and complaints co-ordinator, if the school has one).

Committee Member

Committee members should be aware that:

- The meeting must be independent and impartial, and should be seen to be so. No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and

make recommendations.

- Many complainants will feel nervous and inhibited in a formal setting. Parents/carers often feel emotional when discussing an issue that affects their child.
- Extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting. Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated. The committee should respect the views of the child/young person and give them equal consideration to those of adults. If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint.

Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend. However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.

- The welfare of the child/young person is paramount.

