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# CHADWELL HEATH ACADEMY



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## COMPLAINTS PROCEDURE MEMBERS OF THE PUBLIC

Governing Body approved 14<sup>th</sup>  
December 2016

## **CHADWELL HEATH ACADEMY COMPLAINTS POLICY**

### **Foreword**

The Academy respects the right of members of the general public to report any concerns they may have regarding the Academy's provision of services or, if they deem it necessary, to make complaint.

A 'concern' may be defined as an expression of worry or doubt over an issue considered to be important for which reassurances are sought from the Academy. The Academy will treat such concerns seriously and endeavour to provide that reassurance. A 'concern' does not however constitute a complaint.

A 'complaint' may be defined as an expression of dissatisfaction about actions taken by the Academy or conversely a perceived lack of action. The procedures within this policy have been agreed by the Governing Body so that any such complaints may be properly investigated and fairly resolved.

The procedures outlined in this policy do not apply to complaints from parents of pupils at the Academy for whom there is a separate policy. This policy does not apply to staff, for whom complaints are similarly addressed by alternative policy documents.

The Complaints Policy is available on the Academy website and anyone who requests it, will be sent a copy of this document.

### **The Complainant**

The complainant will endeavour to:

- inform the Academy of their complaint in full as early as possible,
- co-operate with Academy staff investigating their concerns,
- seek a resolution to their complaint in collaboration with the Academy,
- treat all members of staff involved in the complaint with respect.

Complaints should be lodged within an acceptable time frame. The Academy may not consider complaints lodged more than three months after the matter that gives rise to the complaint.

### **The Academy**

The Academy will endeavour to:

- conduct a thorough investigation of the complaint,
- review information and judge impartially the validity of the complaint,
- find an appropriate and prompt resolution to the complaint,
- treat the complaint seriously and the complainant with respect.

### **Informal Complaints**

It is in everyone's interest that complaints are resolved at the earliest possible stage. Most complaints can be resolved informally, without the need to employ formal procedures.

At this stage the complainant, a member of the general public, should contact the Headteacher who may designate an appropriate member of staff to investigate the complaint at an informal level. The Headteacher may however decide, at his discretion, that the complaint is unlikely to be resolved informally and proceed immediately to the formal stage.

For an Informal Complaint, the designated investigator will gather information relevant to the complaint in order that they may clarify the matter and respond appropriately. This will normally occur within ten school working days of the Informal Complaint being received.

The investigator will keep notes of any communication they have with the complainant, staff and/or pupils. These notes are for the internal use of the investigator who will be mindful that third party information should, wherever possible, remain confidential.

The investigator can:

- dismiss the complaint in whole or in part,
- uphold the complaint in whole or in part,
- decide on the appropriate action to be taken to resolve the complaint,
- recommend changes to the Academy's procedures to ensure that similar issues do not recur.

An admission that the Academy could have handled the situation better is not the same as an admission of negligence.

If the complaint is not resolved, then the complainant may choose to proceed to the formal stage.

### **Formal Complaints**

Formal procedures are necessary if attempts to resolve a complaint informally have been unsuccessful and the complainant wishes to take the matter further; or the Headteacher decides to move immediately to the formal stage.

For a complaint to be dealt with formally it must be made to the Headteacher, normally in writing, and where appropriate within five school working days of the outcome of an Informal Complaint.

The Headteacher or their nominee will investigate the circumstances of the complaint and may find it appropriate to ask for written statements from staff or pupils and to call for any relevant documentation.

If the complaint is against a member of staff, that member of staff has a right to be given details of the complaint, and the opportunity to make representation about it.

The results of the investigation will be presented to the Headteacher who will judge the validity of the complaint and decide an appropriate course of action.

The Headteacher can:

- dismiss the complaint in whole or in part,
- uphold the complaint in whole or in part,

- decide on the appropriate action to be taken to resolve the complaint,
- recommend changes to the Academy's procedures to ensure that similar issues do not recur.

An admission that the Academy could have handled the situation better is not the same as an admission of negligence.

The complainant will be notified of the Headteacher's judgement in writing. This will normally occur within twenty school working days of the Formal Complaint being received.

A central record of the formal complaint will be kept by the Headteacher. Complainants have a right to copies of these records under the Freedom of Information Act 2000 and Data Protection Act 1998.

The Headteacher will however be mindful that third party information should, wherever possible, remain confidential.

Should a complaint result in the Academy taking disciplinary action against a member of staff, the nature of this action will be confidential.

Complaints against the Headteacher should be made to the Clerk to the Governors of the Academy for the attention of the Chair of Governors who will investigate the complaint at the formal level.

For Formal Complaints, the Headteacher's decision is final (for Formal Complaints about the Headteacher, the Chair of Governor's decision is final).

### **Further Complaints**

If, following the Headteacher's (or where applicable, the Chair of Governors') decision regarding a Formal Complaint, the complainant remains dissatisfied and attempts to reopen the same or similar issues, the complaint will be viewed as serial or persistent. The Headteacher, (or where applicable, the Chair of Governors) will inform them in writing that all stages of the complaints procedure have been completed and that the matter is now closed. Any further contact from the complainant regarding this complaint will be ignored by the Academy. Any further request for information may be considered vexatious and, in line with Section 14(1) of the Freedom of Information Act 2000, the Academy will not comply with vexatious requests.

If complainants wish to take the complaint further, they must complete the form available at:

[https://form.education.gov.uk/submitform.php?self=1&form\\_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form\\_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1](https://form.education.gov.uk/submitform.php?self=1&form_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1)

The complaint will be directed to the Education Funding Agency. This body will not overturn the decision taken by the Academy but will check that:

- there has been no undue delay in proceedings,
- the procedures in the Academy's Complaints Policy and other relevant policies were followed correctly,
- the Academy has complied with its funding agreement with the Education Secretary,

- the policy meets all legal requirements.

Complaints to the Education Funding Agency may also be sent to:

Providers, Standards and Intervention,  
Education Funding Agency,  
Earlsdon Park,  
53 – 55 Butts Road,  
Coventry,  
CV1 3BH.

### **Unreasonable Complaints**

A complaint may be regarded as unreasonable if the complainant:

- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved,
- refuses to accept that certain issues are not within the scope of a complaints procedure,
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice,
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or 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,
- makes excessive demands on school time by either frequent, lengthy, complicated and/or stressful contact with staff regarding the complaint,
- 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 Academy's complaint procedure has been implemented and completed, or
- seeks an unrealistic outcome.

A complaint made in person, by telephone, or in writing by letter or electronically, may also be considered unreasonable if the complainant does so:

- maliciously,
- aggressively, using threats, intimidation or violence,
- using abusive, offensive or discriminatory language,
- making defamatory statements,
- knowing it to be false,
- using falsified information, or
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Where, at any stage, a complaint is deemed by the Headteacher (or Chair of Governors if about the Headteacher), to be unreasonable, the Academy may take any of the following actions:

- implement a tailored communications strategy,
- advise that a third party act on the complainant's behalf, and/or
- notify the complainant that the complaint procedure will not be implemented and that there will be no further response to their complaint.

Where aggression or abusive behaviour has been used, the Academy may:

- ask them to leave the Academy premises,
- inform the Police,
- bar them from being on the Academy premises.

The Academy does not expect its staff to tolerate unacceptable behaviour and will take action to protect its staff from abuse, threat or assault.

### **Record Keeping**

The Academy will keep a written record of all complaints, the stage reached in the process and the outcome.

The Academy will keep additional records of the following information:

- the date when the complaint was made,
- the name of the member of the public making the complaint,
- the name of the pupil (if appropriate),
- a description of the complaint,
- records of all investigations (if appropriate),
- witness statements (if appropriate),
- the name or names of staff handling the complaint at each stage,
- any actions taken by the Academy as a result of the complaint,
- copies of all correspondence on the issue.

### **Evaluation**

The Governing Body will monitor the nature and frequency of Formal Complaints, using records kept by the Headteacher.

Wherever possible, complaints information shared with the Governing Body will not name individuals. Documentation will remain confidential except where the Secretary of State for Education, or a body conducting an inspection under chapter 1 (109) of Part 4 of the Education and Skills Act 2008 requests access.

The policy will be evaluated in the light of complaints made and their resolution in order to contribute to Academy improvement.

The Governing Body will review the Academy Complaints Policy periodically. However, should the Education Funding Agency advise the Academy that its policy needs to be amended, or new legislation require this, these changes will be made as soon as possible.