



**KINGSBURY ACADEMY**

**Complaints Policy**

## Complaints Policy and Procedure

### 1. Introduction

1.1 Academies are required to have complaints procedures meeting certain requirements by the Education (Independent Academy Standards) (England) Regulations 2014 and to make the procedure available to parents/carers of students and parents/carers of prospective students.

1.2 The academy accepts that the actions of those individuals who work in the academy will and should be open to comment, question and, on occasions, criticism. Kingsbury Academy takes complaints seriously and strives to deal with complaints swiftly and thoroughly. In a spirit of accountability Kingsbury Academy will attempt to resolve general academy complaints through the most appropriate process and, where necessary, this may involve formal procedures.

1.3 This general academy complaints policy does not cover every type of complaint. The issues noted below have their own, separate procedures.

- Content of a statutory statement of Special Educational Needs
- Student exclusions
- The National Curriculum and related matters, including Religious Education
- Child Protection
- Allegations Management (safeguarding concerns about staff that need to be referred to the Local Authority Designated Officer LADO)
- Matters that are the responsibility of the Local Authority such as student admissions and home to academy transport

See 'Procedures for responding to Complaints, for information about where to direct complaints about these issues that are not within the scope of this Policy.

1.4 You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

1.5 We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

## **Aims**

This Policy and the procedures for its implementation aim to clarify the way in which complaints are managed at Kingsbury Academy. It aims to do so in a way which is clear and concise. The policy also seeks to promote a consistent and transparent approach to dealing with complaints.

## **2. Principles**

2.1 This policy is underpinned by the principles noted below:

- Complaints will be considered and resolved as quickly and as efficiently as possible
- Complaints will be dealt with by the member of staff best suited to deal with the matter
- If the complaint is about an individual member of staff, they have a right to know the substance and source of any allegation made against them.
- Complaints will be dealt with in line with any relevant national legislation and statutory obligations
- Complaints will be dealt with having due regard for confidentiality and the security of any records made

## **3. Implementation**

3.1 Kingsbury Academy has a three-stage process for dealing with complaints. Further details of each stage together with roles and responsibilities of staff involved can be found within this document. The three stages are:

Stage 1 – complaint heard by a member of staff (informal)

Stage 2 – complaint heard by the Headteacher (complaint which is put in writing)

Stage 3 – complaint heard by the Governing Body (complaint appeal panel)

## **4. Investigating Complaints**

4.1 At each stage, the person dealing with the complaint should ensure that they:

- Establish what has happened so far, and who has been involved
- Clarify the nature of the complaint and what remains unresolved

- Meet with the complainant or contact them (if unsure or further information is necessary)
- Clarify what the complainant feels would put things right
- Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- Conduct the interview with an open mind

4.2 Kingsbury Academy aims to resolve a complaint at the earliest possible opportunity via informal resolution by way of a discussion with the appropriate member of staff.

4.3 If the Complainant thinks that their complaint has not been resolved then they can take their complaint to Stage 2. Complaints should be submitted in writing within 10 academy days of the informal meeting. During this stage the Principal will deal with the complaint. The Principal will respond to the complaint in writing via a letter or an email within 10 academy days. If the complaint is against the Headteacher, Stage 2 will be carried out by the Chair of the Board of Governors.

4.4 If the Complainant is still not satisfied, they should write to the Chair of the Local Governing Body giving full details of the complaint and the reason why they remain dissatisfied with previous attempts to resolve the complaint. The request must be received within 10 academy days of the date the letter was received from the Principal.

4.5 The Chair, or a nominated governor, will convene a Governing Body Complaints Panel within 15 academy days of the receipt of the letter.

4.6 One of the governors will be appointed as the Chair of the Complaints Panel. This will not necessarily be the Chair of Governors.

4.7 Kingsbury Academy's Clerk to the Governors will invite the Complainant to attend the Complaints Panel. The Complainant will be informed of the time, date and venue for the hearing. The clerk will collate and distribute any relevant information.

4.8 The Complaints Panel will include at least one member who is independent of the management and running of the academy and will not be made up solely of governing body/trust members. The Chair will appoint a suitably independent individual to fulfil the role.

4.9 The Chair will ensure that the Complainant is informed of the panel's decision, in writing, within 10 academy days of the panel hearing.

4.10 The panel hearing will be held in private and the academy aims to resolve the complaint, achieve reconciliation between the academy and the Complainant. All concerns are taken very seriously.

4.11 The Complaints Panel will aim to reach an outcome in respect of the complaint (i.e. upheld, partially upheld, not upheld, unable to substantiate). The panel will also decide and agree on any appropriate action to be taken as a result of the complaint and make recommendations to change processes/procedures to ensure problems of a similar nature do not recur.

4.12 Any disciplinary outcome of any investigation into the conduct of a member of staff at Kingsbury Academy is a confidential matter between the member of staff and the Senior Leadership/Governors of the academy and will not be disclosed to the complainant.

4.13 The implementation and adherence to this complaint's procedure should reduce the number of complaints that become protracted or vexatious. If a complainant tries to reopen the same issue the Chair of the Governing Body will write to the complainant explaining that the complaint has been through all stages of the procedure, is now exhausted and the matter is now closed.

4.14 The response to any anonymous complaints (verbal or written) will be coordinated by a Deputy Headteacher.

4.15 The academy will keep written records of all complaints and their outcomes.

4.16 Kingsbury Academy Complaints Procedure is published on our academy website and is available as a hard copy by request.

4.17 Should a complainant remain dissatisfied following a Stage 3 complaint they will be advised of their right to escalate their complaint to the following bodies:

### **Department for Education**

If a complainant feels that the academy has or is proposing to act unreasonably, or has failed to discharge a duty under certain legislation they can contact the Department for Education via the following link:

[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)

## **Education Funding Agency (ESFA)**

- The ESFA can support Academies to achieve a compliant procedure but it is the responsibility of Academy Trusts to make sure that their complaints procedure is fully compliant. Their responsibility is to ensure Academies comply with their funding agreements.
- If a complaint comes to the ESFA they will check whether the complaint has been dealt with properly by the academy. They will consider complaints about Academies that fall into any of the following three areas:
  - 1) Where there is undue delay, or the academy did not comply with its own complaints procedure when considering a complaint
  - 2) Where the academy is in breach of its funding agreement with the Secretary of State
  - 3) Where an academy has failed to comply with any other legal obligation, they will not overturn an academy's decision about a complaint. However, if they find an academy did not deal with a complaint properly, they will request the complaint is looked at again and procedures meet the requirements set out in the Regulations. If the academy's complaints procedure does not meet the regulations, they will ask the academy to put this right. They may seek to enforce the decision under the terms of the funding agreement on behalf of the Secretary of State, if appropriate.

## **5. Monitoring & Evaluation**

5.1 This policy will be reviewed every three year. Monitoring of the impact of this policy will be linked to the established processes of self-evaluation. As appropriate, this policy and the procedures document will be reviewed in consultation with parents/carers/carers, staff and a sample of students. Any changes to policy will be made in consultation with Governors. The Principal will keep records of all complaints that pass beyond Stage 1 and are dealt with by the Principal. Such records will be shared with the Trustees/Governors as appropriate.

## **6. Other Information**

6.1 Kingsbury Academy will:

- deal with complaints from people who are not parents/carers of attending students in the same way by utilising the process outlined above

- ensure the complainant is given reasonable notice of the panel hearing date, if the complaint does proceed to the Complaints Panel stage
- consider if staff likely to be involved in handling a complaint are suitably equipped to do so
- provide complainants with written responses where appropriate and if requested
- clearly signpost parents/carers that are not satisfied about the handling of their complaint to the ESFA via the academy's complaints form on the ESFA website
- not tolerate abusive language or behaviour at any time, and reserve the right to postpone the process should it feel that the welfare of staff, students and / or governors is at significant risk

## **POLICY FOR DEALING WITH PERSISTENT OR VEXATIOUS COMPLAINTS / HARASSMENT IN THE ACADEMY**

The Principal and staff deal with specific complaints as part of their day-to-day management of the academy in accordance with the **Academy's Complaints Procedure**. The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant.

However, there are occasions when complainants behave in an unreasonable manner when raising and/or pursuing concerns. In these circumstances the school may take action in accordance with this policy.

### **1. AIMS OF POLICY**

The aims of this policy are to:

- Uphold the standards of courtesy and reasonableness that should characterise all communication between the academy and persons who wish to express a concern or pursue a complaint
- Support the well-being of students, staff and everyone else who has legitimate interest in the work of the academy, including governors and parents
- Deal fairly, honestly and properly with those who make persistent or vexatious complaints and those who harass members of staff in the academy while ensuring that other stakeholders suffer no detriment.

### **2. PARENTS' EXPECTATIONS OF THE ACADEMY:**

Parents/carers/members of the public who raise either informal or formal issues or complaints with the academy can expect the academy to:

- Inform parents of the complaint's procedure
- Inform parents of the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment in Academies
- Respond within a reasonable time
- Be available for consultation within reasonable time limits bearing in mind the needs of the pupils/students within the academy and the nature of the complaint
- Respond with courtesy and respect
- Attempt to resolve problems using reasonable means in line with the Academy's Complaints Procedure, other policies and practice keep complainants informed of progress towards a resolution of the issues raised

### **3. THE ACADEMY'S EXPECTATIONS OF PARENTS/CARERS/MEMBERS OF THE PUBLIC**

The academy will expect parents/carers/members of the public who wish to raise problems with the academy to:

- Treat all academy staff with courtesy and respect
- Respect the needs and well-being of pupils and staff in the academy
- Avoid any use, or threatened use, of violence to people or property
- Avoid any aggression or verbal abuse
- Recognise the time constraints under which members of staff in schools/academies work and allow the academy a reasonable time to respond

**If the above are not adhered to the academy may refuse to investigate until the above behaviour is evident**

### **4. WHO IS A PERSISTENT COMPLAINANT?**

For the purpose of this policy, a persistent complainant is a parent/carer or member of the public who complains about issues, either formally or informally, or frequently raises issues that the complainant considers to be within the remit of the academy and whose behaviour is unreasonable. Such behaviour may be characterised by:

- a) Actions which are obsessive, persistent, harassing, prolific, repetitious
- b) Prolific correspondence or excessive e-mail or telephone contact about a concern or complaint
- c) An insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes
- d) Insistence upon pursuing complaints in an unreasonable manner

- e) Insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example, if the desired outcome is beyond the remit of the academy because it is unlawful.

For the purpose of this policy, harassment is the unreasonable pursuit of such actions as in (a) to (e) above in such a way that they:

- a) Appear to be targeted over a significant period of time on one or more members of academy staff and/or
- b) cause ongoing distress to individual member(s) of academy staff and/or
- c) have a significant adverse effect on the whole/parts of the academy community and/or
- d) are pursued in a manner which can be perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health.

## **5. THE ACADEMY'S ACTIONS IN CASES OF PERSISTENT OR VEXATIOUS COMPLAINTS OR HARASSMENT**

In the first instance the academy will verbally inform the complainant that his/her behaviour is considered to be unreasonable/unacceptable and, if it is not modified, action may be taken in accordance with this policy. This will be confirmed in writing.

If the behaviour is not modified the academy will take some or all of the following actions as necessary, having regard to the nature of the complainant's behaviour and the effect of this on the academy community:

- Inform the complainant in writing that his/her behaviour is now considered by the academy to be unreasonable/unacceptable and, therefore, to fall under the terms of this policy
- Inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties
- Inform the complainant that, except in emergencies, all routine communication with the complainant to the academy should be by letter only
- In the case of physical or verbal aggression, refer to joint Local Authority-Police Guidance for Schools/Academies, "Dealing with Abuse, Threats and Violence Towards School Staff", and consider warning the complainant about being banned from the academy site; or proceed straight to a temporary ban.

- Consider taking advice on pursuing a case under Anti-Harassment legislation
- Reporting violent and threatening behaviour or behaviour which harasses any member of staff or shows discrimination to any member of staff to the police.

If a complainant's persistent complaining/harassing behaviour is modified and is then resumed at a later date, within a reasonable period of time, the academy may resume the process identified above at an appropriate level.

## 6. REVIEW

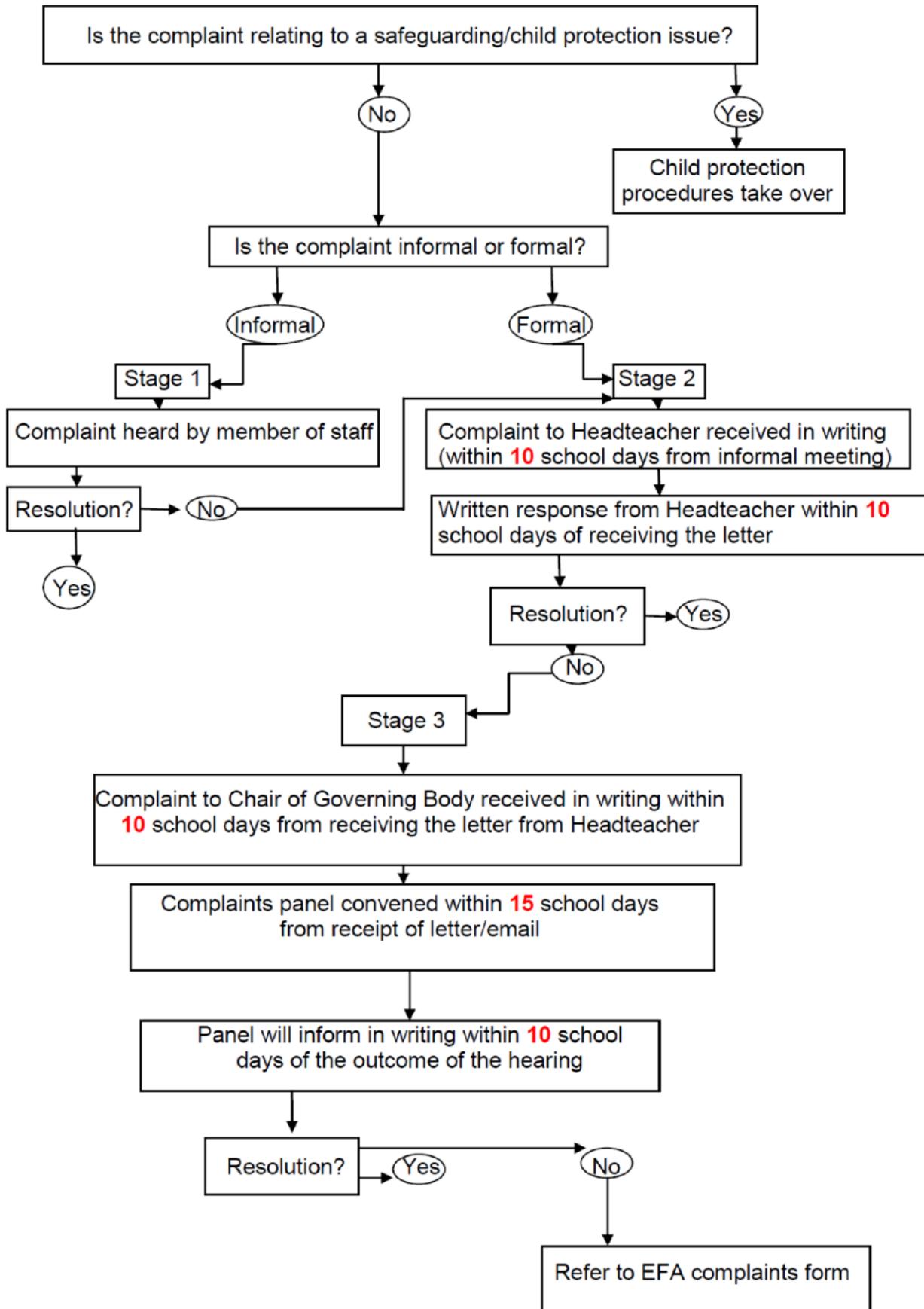
The School will review as appropriate, and at a minimum once in a school year, any sanctions applied in the context of this policy.

### Complaints procedure: management of stages

| Complaint relates to                                  | Stage 1: Informal               | Stage 2: Headteacher/Chair                                     | Stage 3: Panel   |
|---|---------------------------------|--|--|
| Pupils, parents or staff (other than the Headteacher) | The appropriate member of staff | The Headteacher  | Panel appointed by the Chair of Governors and including one member independent from the running and management of the Academy.   |
| The Headteacher                                       | Chair                           | The Chair of Governors or another nominated non-staff Governor | Panel appointed by the Vice Chair of Governors. Panel to include the Academy Chair of Governors or other Trust Director and one member independent from the running and management of the Academy. |
| A Governor or Governors (other than                   | Another nominated               | Chair or Vice chair of the Trust                               | Panel appointed by the Vice Chair of Governors.  |

| <b>Complaint relates to</b>   | <b>Stage 1: Informal</b>    | <b>Stage 2: Headteacher/Chair</b>    | <b>Stage 3: Panel</b>   |
|---|-----------------------------|--------------------------------------|---|
| the Chair of Governors)   | non-staff Governor          |                                      | Panel to include the Academy Chair of Governors or other Trustee and one member independent from the running and management of the Academy.           |
| The Chair of Governors (or a group of Governors including the Chair of Governors) | The Vice Chair of Governors | Another nominated non-staff Governor | Panel appointed by the Chair of the Trust. Panel to include one member independent from the running and management of the Academy.                    |
| The whole body of Governors   |                             | Chair or Vice Chair of the Trust     | A panel of Trust Directors appointed by the Vice Chair of the Trust to include one member independent from the running and management of the Academy. |

## 7. Process



## Kingsbury Academy Complaints Form

**Please complete and return to the academy who will acknowledge receipt and explain what action will be taken.** (NB It is not necessary to use this form and complaints can be made without using this format.)

|   |  |
|---|--|
| <b>Your name</b>                        |  |
| <b>Student's name</b>                   |  |
| <b>Your relationship to the student</b> |  |
| <b>Address</b>                          |  |
| <b>Postcode</b>                         |  |
| <b>Daytime</b>                          |  |
| <b>Evening</b>                          |  |
| <b>Mobile</b>                           |  |

**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, and what was the response?)**

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

**Are you attaching any paperwork? If yes, please give details**

|                  |  |
|------------------|--|
| <b>Signature</b> |  |
| <b>Date</b>      |  |

| <b>Official Use</b>              |  |
|----------------------------------|--|
| <b>Date acknowledgement sent</b> |  |
| <b>By whom</b>                   |  |
| <b>Complaint referred to</b>     |  |
| <b>Date</b>                      |  |

**Date ratified:**

**Date Policy due to be reviewed: every 3 years**

**Responsible for Policy: Finance, Personnel and Health & Safety Committee**

