



COMPLAINTS POLICY

Ratified by Governors/Principal:	Principal
Current ratification date:	Spring 2016
Review frequency:	Two years
Next review date:	Spring 2018
Responsibility of:	Linda Halbert

INTRODUCTION

Academies are required to have complaints procedures meeting certain requirements by the Education (Independent School Standards) (England) Regulations 2014 and to make the procedure available to parents of students and parents of prospective students. This Policy is based on guidance issued by the Department for Education in 2015.

This 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 LADO – Local Authority Designated Officer).
- Matters that are the responsibility of the Local Authority such as student admissions and
- home to school transport

The majority of issues raised by parents, the community or students, are concerns rather than complaints. Freebrough Academy is committed to taking concerns seriously, at the earliest stage, in the hope of keeping the number of formal complaints to a minimum and without needing formal procedures. However, depending on the nature of the complaint, you may wish or be asked to follow the Academy's formal complaints procedure. For the Academy to be able to investigate a complaint, it needs to be made within one year of the incident occurring. If a complaint is older than a year it will not be investigated.

The prime aim of Freebrough Academy's policy is to resolve the complaint as fairly and speedily as possible.

Complaints at stage 1 and 2 will be dealt with by the member of staff best suited to deal with the matter.

All complaints will be dealt with in a sensitive, impartial and confidential manner.

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 (see Data Protection Policy).

Malicious and vexatious complaints may incur appropriate action by the Academy (Appendix 1).

The following details outline the stages that can be used to resolve complaints

Freebrough Academy Policy has five main stages.

In summary they are:

- **Stage 1**
A concern is raised informally with a staff member.
- **Stage 2**
Formal complaint is heard by an appropriate member of staff at middle or senior leadership level within the Academy.
- **Stage 3**
Complaint is heard by the Deputy Principal.
- **Stage 4**
Complaint is heard by the Principal.
- **Stage 5**
Complaint is heard by the Governing Body's Complaints Appeal Panel.

Stage 1 – Raising a concern

Concerns can be raised with the Academy at any time and will often generate an immediate response, which will resolve the concern. The Academy requests that parents make their first contact with the Form Tutor. On some occasions the concern raised may require investigation, or discussion with others, in which case you will receive an informal but informed response within three Academy working days). The vast majority of concerns will be satisfactorily dealt with in this way. However, if you are not satisfied with the result at Stage 1, write to the Academy within ten Academy working days and state what your complaint is and what you would like the Academy to do. The Academy will then look at your complaint at the next stage. Your complaint should be addressed to the Academy Complaints Co-ordinator, PA to the Principal.

Stage 2 – Complaint heard by a middle or senior manager

Formal complaints shall be put in writing, using the complaints form (appendix 2) and addressed to The Complaints Co-ordinator, PA to the Principal. The complaint will be logged, including the date it was received. It will be directed to the appropriate middle or senior leader. The Academy will normally acknowledge receipt of the complaint within two Academy working days of receiving it. In many cases this response will also report on the action the Academy has taken to resolve the issue. Alternatively, a meeting may be convened to discuss the matter further. This meeting will normally take place within ten Academy working days. The aim will be to resolve the matter as speedily as possible. However, if you are not satisfied with the result at Stage 2 please write to the Academy within ten Academy working days of getting our response. You will need to tell the Academy why you are still not satisfied and what you would like the Academy to do.

Stage 3 – Complaint heard by Deputy Principal

If the matter has not been resolved at Stage 2, the Deputy Principal will arrange for a further investigation. Following the investigation, the Deputy Principal will normally give a written response within ten Academy working days. If you are dissatisfied with the result at Stage 3, you will need to let the Academy know within ten Academy working days of getting the response stating why you are still not satisfied and what you would like the Academy to do.

Stage 4 – Complaint heard by the Principal

If the matter has not been resolved at Stage 3, the Principal will review all previous information and if appropriate arrange for a further investigation. Following this process, the Principal will normally give a written response within ten Academy working days. If you are dissatisfied with the result at Stage 4, you will need to let the Academy know within ten Academy working days of getting the response stating why you are still not satisfied and what you would like the Academy to do.

Stage 5 – Complaint heard by the Governing Body’s Complaints Appeal Panel

If the matter has still not been resolved at Stage 4, then you will need to write to the Chair of Governors giving details of the complaint. The Chair or a nominated Governor will convene a complaints panel. The panel will include at least one member who is independent of the management and running of the Academy; not a member of staff or a governor. The hearing will normally take place within ten Academy working days of the receipt of the written request for Stage 4 investigation.

The aim of the Appeal Panel hearing is to impartially resolve the complaint and to achieve reconciliation between the Academy and the complainant. All parties will be notified of the Panel’s decision in writing within three Academy working days after the date of the hearing. The letter will also contain information advising what you need to do if you wish to take the matter further.

N.B. In cases where the matter concerns the conduct of the Principal, the Principal and Chair of Governors will be informed of the complaint. The Chair of Governors will arrange for the matter to be investigated. In cases where the matter concerns the conduct of a member of the Governing Body the member will be informed of the complaint.

The Governors appeal hearing is the last stage of the complaints process.

In the event that the matter cannot be resolved complaints should be made directly to the Department for Education using 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

MALICIOUS AND VEXATIOUS COMPLAINTS

The Academy will take action against any parent/carer who makes malicious and vexatious complaints. The Academy categorises these as:

MALICIOUS COMPLAINTS

On isolated occasions complaints are made by a small minority of parents/carers that are untrue and intended to be defamatory, harmful and upsetting. These are complaints that are often based on malicious rumour or an individual's own prejudices.

In the event of an investigation proving that complaints are malicious and untrue the Academy will seek legal advice in dealing with this issue.

VEXATIOUS COMPLAINTS

A very small minority of parents make complaints that are vexatious, in that they persist unreasonably with their complaints, or make complaints in order to make life difficult for the Academy, rather than to genuinely resolve a grievance.

This may involve making serial complaints about different matters or continuing to raise the same or similar complaints over and over again.

The Academy will keep a log to demonstrate evidence of malicious or vexatious complaints.

If their persistence adversely affects our ability to do our work and provide a service to other parents/students we may deal with this by:

- Restricting their contact with the Academy, including; placing time limits on telephone conversations and personal contacts; restricting the number of telephone calls that will be taken; limiting the parent/carer to one medium of contact e.g. email, telephone, letter etc; requiring the parent/carer to communicate with only one named person.
- Requiring any personal contact to take place in the presence of a witness.
- Closing the investigation into a complaint.
- Banning a parent/carer from the Academy premises for a specific period of time.
- Involving the Police in cases where we believe a parent/carer has committed a criminal offence such as harassment or where they refuse to leave Academy premises.

If the above are invoked the parent/carer will be informed in writing why the decision has been made and the length of time the restrictions will be in place.

The Academy may attempt to improve the relationship with the parent/carer through the appointment of an independent mediator.

When making a decision to take any action the rights of the individual will be balanced against the detrimental effect of the continuation of this behaviour on other parents/carers and students.

The Academy may make the decision to seek legal advice to resolve this issue with a parent/carer.

When persistent complainants make new complaints about new issues these will be treated on their merits and decisions will be taken on whether restrictions that have been applied before are still appropriate or necessary.

FREEBROUGH ACADEMY - COMPLAINT FORM

Please complete and return to the Complaints Co-ordinator, PA to the Principal 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.)	
Name	
Student name (if applicable)	
Relationship to the student (if applicable)	
Address	
Postcode	
Telephone (daytime)	
Telephone (evening)	
Telephone (mobile)	
Details of 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	
Signature	Date
Official use	
Date acknowledgement sent	
Complaint referred to	