



Ibstock Community College

Respect and Pride brings Success

Complaint Policy

2020 - 2022

This policy has been shared with staff and governors of Ibstock Community College

Aims of Policy

Ibstock Community College is committed to working in close partnership with all stakeholders and members of the college and local community. The college places great value on the role which parents and carers can play in supporting children's learning, but we recognise that occasionally stakeholders may be dissatisfied with some aspect of college performance, and this policy defines how we will work to help resolve these issues should they arise.

The aim of this policy is to ensure that a concern or complaint by a stakeholder is managed at the appropriate level sympathetically, efficiently, and resolved as soon as possible. Doing so is good practice, it is fair to those concerned and it helps to promote the community's confidence in our ability to safeguard and promote welfare. We will try to resolve every concern or complaint in a positive way with the aim of resolving the issue in a transparent manner.

The college expects that most concerns can be resolved informally and guarantees to treat seriously and confidentially all concerns whether raised informally or formally.

Who can make a complaint?

Any person, including members of the general public, may make a complaint about any provision of facilities or services that our college provides, and this is not limited to parents or carers of children that are registered at the college. Complaints or concerns relating to the following issues will **not** be considered under this policy, as they are generally covered by separate procedures or policies:

- Admissions
- Exclusions
- Child protection or safeguarding issues
- Statutory assessments of Special Educational Needs (SEN)
- Staff grievance and disciplinary matters
- College restructuring or reorganisation proposals
- Whistleblowing
- National Curriculum - content
- Complaints about services provided by other providers who may use college premises or facilities.

Timescales

We aim to resolve any complaints in a timely manner. Timescales for each stage of the Complaints Procedure are set out below in the relevant paragraphs. For the purposes of this policy, a "working day" is defined as a weekday during term-time, when the college is open. The definition of "working day" excludes weekends and Bank Holidays.

There is no time limit for matters that may be raised as a concern or complaint, but matters raised more than one calendar year from the date of the incident under discussion will not normally be permitted to proceed to a Complaint Panel hearing unless the Chair of Governors determines that there was some persuasive and specific reason for the delay.

Anonymous complaints

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

Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

Ibstock Community College Complaints Procedure

We need to know as soon as possible if there is any cause for dissatisfaction. We recognise that a difficulty that is not resolved quickly and fairly can soon become a cause of resentment, which could be damaging to relationships and to our college's culture. We intend that parents and students should never feel – or be made to feel – that a complaint will be taken amiss or will adversely affect a student or his/her opportunities at the college. The policy, however, distinguishes between a concern or difficulty which can be resolved informally and a formal complaint which will require further investigation.

Stage 1: Informal Complaints

1. Concerns:

Most concerns, where a stakeholder seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Examples might include dissatisfaction about some aspect of teaching, disciplinary matters or issues outside the classroom.

Stakeholders should raise the concern initially with a teacher, relevant staff member or a member of the Senior Leadership Team as appropriate. The college will aim to resolve informal complaints within ten working days of being raised.

If the first approach is made to a governor, they will refer the issue and the complainant to the appropriate person and advise the complainant of this procedure. Governors must not act unilaterally outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the process.

2. Unresolved concerns:

A concern which has not been resolved by informal means within ten working days from the receipt of the complaint can be escalated and notified as a formal complaint in accordance with Stage 2 below.

3. Record of concerns:

In the case of concerns raised under Stage 1 of this procedure, the only record of the concern and its resolution will be file notes by the person dealing with the complaint and/or file correspondence between the person raising the concern and the respondent.

Stage 2: Formal Complaints

4. Notification:

An unresolved concern under Stage 1, or a complaint which needs investigation, or a more serious dissatisfaction with some aspect of the college's policies, procedures, management or administration should be set out in writing with full details and sent with all relevant documents and full contact details for the attention of:

- The Head of School (for most complaints);
- The Executive Head Teacher (for complaints about the Head of school)
- The Chair of Governors (for complaints relating to the Executive Head Teacher), or
- The Clerk of the Governing Body (for complaints relating to the Chair of Governors)

Should a formal written complaint be received by another member of the academy's staff, this should be immediately passed to the Head of School, Executive Head Teacher or Chair of Governors as appropriate.

5. Acknowledgement:

The complaint will be acknowledged in writing, normally within three working days of receipt during term time, and as soon as practicable during the holidays. The acknowledgement will indicate the action that is being taken and the likely timescale for resolution.

6. Investigation and resolution:

The Head of school, Executive Head Teacher, Chair of Governors may deal with the matter personally or delegate a senior member of staff or another governor to act as “investigating officer”. The “investigating officer” may request additional information from the complainant and will fully investigate the issue. The Head of School or investigating officer will typically attempt to speak with the complainant to discuss the matter.

7. Outcome:

The aim is to inform any complainant of the outcome of an investigation and the resolution to the complaint in writing within 15 working days from the receipt of the complaint. Any complaint received during a School holiday or within 15 working days of the end of term or half term may take longer to resolve.

8. Record of complaints:

Written records will be kept of any meetings and interviews held in relation to the complaint.

9. Unresolved Complaints:

Where the complainant is not satisfied with the college’s response to their complaint they may have their complaint considered by an independent Complaints Panel.

Stage 3 – Complaint Heard by the Complaints Panel (an appeal)

10 Request:

A request for a complaint to be heard by a Complaints Panel (an appeal) must be made in writing and within ten working days of the date of the decision made at Stage 2. The complainant should provide a copy of the original written complaint, a copy of the college’s letter concluding Stage 2 and give details in writing of why they are not satisfied with the outcome.

11 Acknowledgement:

Where an appeal is received, the college will within three working days refer the matter to a member of staff (typically the Head of School’s PA), who will act as Clerk to the Complaints Panel. The Clerk will acknowledge, in writing, receipt of the appeal within three working days and inform the complainant of the steps involved in the process. The Clerk will be the contact point for the complainant.

12 Panel Hearing:

The Clerk will aim to convene an Appeal Panel hearing as soon as possible, normally no later than 20 working days after receipt of the Stage 3 request.

13 Panel Membership:

The Panel will consist of two non-staff Governors who have not previously been involved in the complaint, and one person independent of the management of the college. In deciding the make-up of the Panel, Governors will try and ensure that it is a cross-section of the categories of Governor and sensitive to issues such as race, gender and religious affiliation. The Panel will select its own Chair.

14 The Remit of the Complaints Appeal Panel:

The Panel 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 systems or procedures to ensure that problems of a similar nature do not recur

The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the academy and the complainant. The panel chair will ensure that the proceedings are as informal as possible.

15 Attendance:

The following are entitled to attend a hearing, submit written evidence and address the Panel;

- the Complainant and/or one representative
- the Head of School and/or one representative
- any other person who the Complaints Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision making

16 Evidence:

All parties will be given the opportunity to submit written evidence to the Panel in support of their position including;

- documents
- chronology and key dates
- written statements setting out further detail

The evidence will be considered by the Panel along with the initial submission.

All written evidence must be received by the Clerk no later than five working days in advance of the Panel Hearing. The Clerk will distribute the evidence to all parties no later than three working days in advance of the Panel Hearing.

17 Roles and Responsibilities

The Role of the Chair of Governors or Nominated Governor:

- check that the correct procedure has been followed
- if a hearing is appropriate, notify the clerk to arrange the panel

The Role of the Clerk:

All panels considering complaints must be clerked. The clerk would be the contact point for the complainant and be required to:

- advise all parties of the procedure to be followed about documentation, timescale, witnesses and the order of the hearing
- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible
- collate any written material and send it to the parties in advance of the hearing
- meet and welcome the parties as they arrive at the hearing
- ensure that neither party has access to the panel prior to the hearing
- ensure that the room for the hearing is set out adequately and there is a suitable waiting area
- record the proceedings
- notify all parties of the panel's decisions

The Role of the Chair of the Panel:

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

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption
- all parties have received all relevant documentation
- the issues are addressed
- key findings of fact are made
- parents or 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 outcome 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.

18 Decision:

The Panel will reach a decision, and make any recommendations within ten working days of the hearing. The decision reached is final.

19 Notification of the Panel's Decision:

The Panel's findings will be sent, in writing, by the Clerk, to the complainant, the Governors and the Head of School and where relevant, to the person complained about. The letter will state the reasons for the decision reached and any recommendations made by the Panel.

The complainant will be advised that the local authority has no role unless the complaint relates to a service provided by the local authority, and that the decision is final, although the complainant may still be able to raise their complaint with the ESFA. Complaints about academies can be made online at <https://www.gov.uk/government/publications/complain-about-an-academy>

20 Record Keeping:

The college will keep a record of all appeals, decisions and recommendations of the Complaints Panel.

21 Compliant against an individual governor

If your complaint concerns the chair of governors or an individual governor, you should write to the clerk to governors. The clerk will acknowledge receipt of your complaint within five school days. The letter will explain the process that will be followed and the expected timescale for response.

The chair of governors will consider complaints about an individual governor and the vice chair will consider complaints against the chair. If for any reason this is not appropriate, then another governor will be nominated.

22 Vexatious Complaints:

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. Please see Appendix C and D for further details of how such complaints will be dealt with and examples of behaviour which will not be tolerated.

23 Next Steps

If the complainant believes the college did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 3.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Ibstock Community College. They will consider whether Ibstock Community College has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester

Appendix A: Checklist

Checklist for a Panel Hearing:

- The hearing is as informal as possible
- Witnesses are only required to attend for the part of the hearing in which they give their evidence
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses
- The Head of School may question both the complainant and the witnesses after each has spoken
- The Head of School is then invited to explain the academy's actions and be followed by the academy's witnesses
- The complainant may question both the Head of School and the witnesses after each has spoken
- The panel may ask questions at any point
- The complainant is then invited to sum up their complaint
- The Head of School is then invited to sum up the academy's actions and response to the complaint
- Both parties leave together while the panel decides on the issues
- The chair explains that both parties will hear the panel within a set time-scale

Appendix B: Complaint Form

ACADEMY - COMPLAINT FORM

Please complete and return to the Head of School or Chair of Governors who will acknowledge receipt and explain the complaints process.

Your Name	
Student's name	
Your relationship to the student	
Address	
Telephone (day or mobile)	
Email address	
Brief details of your complaint	
What action, if any, have you already taken to try to resolve your complaint? (Who did you speak to and what was their response?)	
What actions do you feel might resolve the problem at this stage?	
Are you attaching any paperwork? If so, please give details	

Signature (Complainant)

Date

Appendix C: Policy on unacceptable behaviour

The Governing Body recognises that it is the last resort for complainants. They also have a duty to ensure the safety and welfare of pupils, parents and staff. The Governors are committed to dealing with all complaints fairly and impartially and to providing a high-quality service to those who make them. As part of this service it would not normally limit the contact complainants have. However, the Governors do not expect the college's staff to tolerate unacceptable behaviour by complainants, for example, behaviour which is abusive, offensive, or threatening, and it will act to protect staff from such behaviour. This applies to unacceptable behaviour on any part of the college property or premises.

If the Head of School considers that a complainant's behaviour is unacceptable, the complainant will be told why their behaviour is deemed to be unreasonable and will be asked to change it. If the unacceptable behaviour continues the Head of School will act to restrict the complainant's contact with college.

Unacceptable actions and behaviours

These are some of the actions and behaviours of unreasonable and unreasonably persistent complainants which we often find problematic. It is by no means an exhaustive list and local factors may vary, but these are examples that frequently come to our attention.

- foul and abusive language towards staff, other parents and pupils
- behaviour that staff consider to be harassing and intimidating, including in person, over the telephone, or any other type of communication, including social media
- undermining college policies by actively encouraging pupils to ignore staff requests
- making unnecessarily excessive demands on the time and resources of staff, by for example excessive telephoning or sending emails to numerous staff, writing lengthy complex letters every few days and expecting immediate responses
- combinations of some or all of these.

The decision to restrict access to our college will be taken by the Head of School.

Any restrictions imposed will be appropriate and proportionate. The most likely options are:

- requesting contact in a particular form (for example, letters only);
- requiring contact to take place with a named member of staff;
- restricting telephone calls to specified days and times; and/or
- asking the complainant to enter into an agreement about their conduct.

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

Where a complainant continues to behave in a way which is unacceptable, we may decide to terminate contact with that complainant and discontinue any investigation into their complaint. However, the Governors will seek to limit any detriment to any pupils who attend the academy, as far as is reasonable within these circumstances e.g. access to parents' evenings, newsletters, and any other correspondence.

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

Appendix D: Policy on unreasonably persistent complainants

The Governing Body recognises that it is the last resort for complainants. It is also accountable for the proper use of public money and must ensure that that money is spent wisely and achieves value for complainants and the wider public.

The Governing Body is committed to dealing with all complaints fairly and impartially and to providing a high-quality service to those who make them. As part of this service it does not normally limit the contact complainants have with the academy.

However, there are a small number of complainants who, because of their frequent contact with the academy, hinder consideration of their or other people's, complaints. Such complainants are referred to as '*unreasonably persistent complainants*' and, exceptionally, the Head of School will take action to limit their contact with academy.

Actions and behaviours of unreasonable and unreasonably persistent complainants

These are some of the actions and behaviours of unreasonable and unreasonably persistent complainants which schools often find problematic. It is by no means an exhaustive list and factors may vary, but they are examples that may come to our attention.

- refusing to specify the grounds of a complaint, despite offers of assistance with this from staff.
- refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure's scope.
- insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- making what appear to be groundless complaints about the staff dealing with the complaints, and seeking to have them replaced.
- changing the basis of the complaint as the investigation proceeds and/or denying statements he or she made at an earlier stage.
- introducing new information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed questions which are particularly time consuming and costly to respond to and insisting they are all fully answered.
- electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.
- adopting a 'scattergun' approach: pursuing a complaint or complaints with the academy and, at the same time, with a Member of Parliament/a councillor/the authority's independent auditor/the Local Authority/local police/solicitors/the Ombudsman/OFSTED.
- making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being looked into, by for example excessive telephoning or sending emails to numerous academy staff, writing lengthy complex letters every few days and expecting immediate responses.
- submitting repeat complaints, after complaints processes have been completed, essentially about the same issues, with additions/variations which the complainant insists make these 'new' complaints which should be put through the full complaints procedure.
- refusing to accept the decision – repeatedly arguing the point and complaining about the decision.
- combinations of some or all of these.

The decision to restrict access to the academy will be taken by the Head of School and will normally follow a warning to the complainant. Any restrictions imposed will be appropriate and proportionate. The options we are most likely to consider are:

- requesting contact in a particular form (for example, letters only);
- requiring contact to take place with a named member of staff;
- restricting telephone calls to specified days and times; and/or
- asking the complainant to enter into an agreement about their future contacts with us.

In all cases where we decide to treat someone as an unreasonably persistent complainant, we will write to tell the complainant why we believe his or her behaviour falls into that category, what action we are taking and the duration of that action. We will also tell them how they can challenge the decision if they disagree with it. If we decide to carry on treating someone as an unreasonably persistent complainant and we are still investigating their complaint six months later, we will carry out a review and decide if restrictions will continue.

Where a complainant whose case is closed persists in communicating with us about it, we may decide to terminate contact with that complainant. In such cases, we will read all correspondence from that complainant, but unless there is fresh evidence which affects our decision on the complaint we will simply acknowledge it or place it on the file with no acknowledgement.

New complaints from people who have come under the unreasonably persistent complainant's policy will be treated on their merits, but will not have the automatic right to be escalated through the college complaint policy stages.