



**Three Lane Ends Academy
Complaints Procedure January 2019**

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1. Aims

Three Lane Ends Academy aims to meet its statutory obligations when responding to complaints from parents of pupils at the academy. This complaints procedure is not intended to replace the normal discussions regarding problems and concerns which take place on a day to day basis.

When responding to complaints, we aim to:

- Be impartial and non-adversarial.
- Facilitate a full and fair investigation by an independent person or panel, where necessary.
- Address all the points at issue and provide an effective and prompt response.
- Respect complainants' desire for confidentiality.
- Treat complainants with respect.
- Keep complainants informed of the progress of the complaints process.
- Consider how the complaint can feed into school improvement evaluation processes.

The academy will try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The academy will aim to give the complainant the opportunity to complete the complaints procedure in full. To support this, the academy will ensure we publicise the existence of this policy and make it available on the school website.

2. Legislation and guidance

This document meets the requirements of section 29 of the [Education Act 2002](#), which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

3. Scope

The academy intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

These matters are already provided for by existing statutory procedures, copies of which are available on the academy website.

Arrangements for handling complaints from parents of children with SEN about the school's support are within the scope of this policy.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

4. Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right.

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The school expects that complaints will be made as soon as possible after an incident arises. The academy will consider exceptions to this where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

5. Anonymous complaints

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

6. Staff conduct

Complaints about staff will be dealt with under the academy's internal disciplinary procedures, if appropriate.

Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.

7. Social media

In order for complaints to be resolved as quickly and fairly as possible, Three Lane Ends Academy requests the complainants, do not discuss complaints publically via social media such as Facebook and Twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to also observe confidentiality. Defamatory, offensive or otherwise inappropriate comments on social media will be reported to the appropriate authorities.

8. Complaint campaigns

A complaint campaign can be defined as:

- The academy receiving a number of complaints all based on the same subject.
- The academy receiving multiple complaints from complainants unconnected to the academy.

In the event of a complaint campaign (as defined above), the academy will not respond to each complaint individually but will either:

- send a template response to all complainants or
- publish a single response on the school's website

9. Stages of complaint (not complaints against the Headteacher or a governor).

If you have concerns about the school or the education provided, please discuss the matter with your son/daughter's class teacher. This may be referred to an Assistant Headteacher for clarification/further action.

Stage 1: Informal

If you feel that the matter has not been addressed through discussion with an Assistant Headteacher, please make contact with the Deputy Headteacher. The Deputy Headteacher considers any such complaint very seriously and most complaints can be resolved at this stage.

The academy will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

(Please note, if the first approach is made to a Governor, the next step would be to refer the complaint to the appropriate person. Governors cannot act outside of this policy as they may be needed to sit on a panel at a later stage.)

Stage 2: Formal

Inform the Headteacher in writing

- If the matter cannot be resolved informally, you (the complainant) should put the complaint in writing by post or by e-mail to admin@tleacademy.co.uk briefly setting out the facts and stating what it is that you consider the academy should have done or where the academy has not met reasonable expectations. This should be within 10 school days of the stage one outcome.
- An investigation will be carried out by the Headteacher or a designated member of the senior leadership team (provided they have not been involved up to this point). The scope of the investigation will be documented to ensure that all aspects are covered. The investigator will offer the complainant a meeting to confirm/clarify the reason for the formal complaint and will speak to others involved. Wherever reasonably possible, the meeting with the complainant will take place within 15 school days of the written complaint being received.
- Following the meeting, the investigator will put their findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within 10 school days of the meeting with the complainant.

Any complaint relating to the Headteacher must be raised in the first instance with the Chair of Governors (or Vice-chair in the absence of the Chair) who will, if an informal resolution cannot be reached, designate a Governor to investigate in the same way as outlined above. Where a complaint is against the Chair of Governors or any member of the Governing Board, it should be made in writing to the Clerk to the Governing Board in the first instance.

Stage 3: Formal- submit the complaint to the complaints panel.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the Chair of Governors in writing within 10 school days of the outcome of stage 2.

The letter should be addressed to the Clerk to the Governors (FAO the Chair of Governors) or e-mailed to admin@tleacademy.co.uk (FAO the Chair of Governors) and must set out briefly the reasons why the complainant is dissatisfied with the stage 2 response.

- The review panel will consist of members of the governing board. These individuals will have access to the existing record of the complaint's progress (see section 9) but will have no prior knowledge of the complaint.
- A letter of acknowledgement will be sent to the complainant within 5 school days. Within 15 school days of receipt of the complainant's letter, the Clerk will convene a meeting of the Governing Body Complaints Panel together with the complainant and relevant representatives of the school. That meeting will be held as quickly as practicable, given the need to find a date that is reasonably convenient for the complainant, the school and the members of the Panel. At any meeting, the complainant will be entitled to be accompanied by a friend (by prior approval of the Governing Body Complaints Panel) but legal representation will not be allowed. In certain circumstances, the governors may refuse a request for a particular individual to attend any such meeting, for example, if there is a conflict of interest.

- The meeting is not a court case and will be as informal as circumstances allow. The complainant will have the opportunity to put her/his reasons for dissatisfaction and to enlarge on them but may not introduce reasons that were not previously put in writing. The school will have the opportunity to put its side of things and each side, as well as the Panel members, will be able to ask questions. The complainant will have the opportunity to make final comments to the Panel.
- The Panel will make findings and recommendations and a copy of those findings and recommendations will be - sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about - available for inspection on the school premises by the Trustees and the Headteacher
- The Panel will formulate its response as quickly as reasonably possible, aiming to do so within 10 school days, and the Clerk to the Governors will notify all concerned.
- If a complainant tries to reopen the same issue, the Chair of Governors may write to the complainant to inform him/her that the procedure has been completed and the matter closed.
- A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing.
- Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 162A of the Education Act 2002 requests access to them.
- The decision of the panel is final. If you are still not satisfied, you may wish to put your complaint to the Education and Skills Funding Agency (ESFA).

10. Referring complaints on completion of the school's procedure

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a school's decision about a complaint. However, it will look into:

- Whether there was undue delay, or the school did not comply with its own complaints procedure.
- Whether the school was in breach of its funding agreement with the secretary of state.
- Whether the school has failed to comply with any other legal obligation.

If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

11. Unreasonable Complaints/Complainants

Three Lane Ends 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 the 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.

Three Lane Ends Academy defines unreasonable complainants as "*those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints.*"

A complaint may be regarded as unreasonable when the person making the complaint:

- 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 process outlined in the 'Formal Complaints Procedure' while still wishing their complaint to be resolved.
- Refuses to accept that certain issues are not within the scope of the 'Formal Complaints Procedure'.
- Insists on the complaint being dealt with in ways which are incompatible with the 'Formal 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 a large number 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 the complaint where the school's 'Formal Complaints Procedure' has been completed including, where appropriate, referral to the Department for Education.
- Seeks an unrealistic outcome.
- Makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint either in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- Maliciously
- Aggressively
- Using threats, intimidation or violence
- Using abusive, offensive or discriminatory language
- Knowing it to be false
- Using falsified information
- Publishing unacceptable information in a variety of media such as in social media websites and newspapers

Complainants should limit the number of communications with a school whilst a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

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

If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Three Lane Ends Academy causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a written communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from Three Lane Ends Academy.

Barring from the school premises:

Although fulfilling a public function, our school is a private place and the public has no automatic right of entry. We therefore act to ensure we remain a safe place for pupils, staff and other members of our community.

If the behaviour of either a complainant or a parent is a cause for concern, they will be asked to leave school premises. In serious cases the Headteacher will notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any written representation that they wish to make.

The decision to bar will be reviewed upon receipt of any representations made and will either be confirmed or lifted. Any decision will be notified in writing with an explanation of how long the bar will be in place.

Should anyone wish to complain about being barred they can do so via letter or email to the Headteacher or Chair of Governors.

We reserve the right not to consider complaints that:

- are malicious (that is, they are instituted without sufficient grounds and serving only to cause annoyance).
- use obscenities, racist or homophobic language.
- contain personally offensive remarks about members of our staff.
- are repeatedly submitted with only minor differences after we have fully addressed the complaint.

12. Monitoring and Review

The Governing Body monitors the Complaints Procedure, in order to ensure that all complaints are handled properly. The Headteacher will log all formal complaints received by the academy and record how they were resolved. Governors will examine this log on an annual basis and consider the need for any changes to the procedure.

13. Availability

A copy of this procedure is available to all parents and members of the public on request and is published on the Academy's website.