

SHIRLEY HIGH SCHOOL PERFORMING ARTS COLLEGE

COMPLAINTS PROCEDURE

Mission statement

We deliver high quality teaching and learning in an environment that meets the needs of our students, so that all achieve and enjoy

1) Introduction

This procedure does not apply to complaints related to the following headings:

- Admissions & Exclusions;
- Statutory Assessment of Special Educational Needs;
- Provision of Collective Worship and Religious Education;
- Allegations of bullying by students;
- Matters likely to require a Child Protection investigation;
- School re-organisation proposals;
- Whistleblowing; and
- Complaints about services provided by other providers who use the School's premises.

Equally, complaints by employees of the School are usually dealt with via the grievance procedure. It is the School's intention that this Complaints Procedure will:

- encourage resolution of problems by **informal** means wherever possible;
- be **simple** to understand and use;
- be impartial;
- be non-adversarial;
- allow **swift** handling with established **time-limits** keeping people informed of progress;
- ensure a full and **fair** investigation by an independent person where necessary;
- respect people's desire for **confidentiality**;
- provide an **effective** response and **appropriate** redress, where necessary;
- provide **information** to the school so that services can be improved.

2) Exclusions and Exceptional Circumstances

It is a precondition to the operation of this procedure that the complainant shall have made reasonable attempts to seek an informal resolution as set out in Stage 1 below and shall have acted in relation to the matter in a reasonable and measured way. The Principal shall have a discretion, which will be exercised reasonably, not to allow a complaint to be pursued where this precondition has not been met. An anonymous complaint will only be investigated in very limited and exceptional circumstances.

A complaint relating to matters more than 3 months in the past will normally only be accepted and investigated in exceptional circumstances. In such cases, the school may either involve appropriate external agencies or conduct its own internal review to test whether there is any corroborative evidence, which might trigger a formal investigation.

3) The Procedure

A complaint is an expression of dissatisfaction which may be about, an activity or provision, an event that has happened, failed to happen or the way in which something was handled. In most cases concerns or issues raised can be resolved through discussion and good communication. However, if it is not possible to resolve an issue then the following procedure should be followed:

Stage 1 (Informal)

When an expression of concern is made to the school this should be raised with the person most closely concerned. It is important to clarify the facts of the case and resolve the matter through discussion. If you are in this situation you may wish to make an appointment with the appropriate person. An appointment will be arranged as soon as possible (usually within 10 working days).

If the matter is not resolved satisfactorily for the complainant or if the member of staff directly involved feels too compromised to deal with the complaint, the complaint can be referred to the appropriate line manager to investigate the situation. Most complaints will be resolved at this informal stage.

Stage 2 (Formal)

If the matter is not resolved satisfactorily for the complainant the matter should then be put in writing to the Principal who will ask an appropriate member of the Senior Leadership Team to investigate the complaint.

An investigation will be carried out by the identified member of the Senior Leadership Team who may offer you a meeting and who will speak to others involved. Whenever reasonably possible, the meeting with the complainant will take place within 15 working days of the written complaint being received. The investigator will put her/his 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 15 working days of any meeting with the complainant.

Stage 3 (Formal)

If the matter is not resolved satisfactorily by the appropriate member of the Senior Leadership Team then a formal letter of complaint should be made to the Principal who will deal with the matter. Whenever reasonably possible the Principal will review the concern, investigation and findings within 15 working days of receiving the complaint.

Stage 4 (Formal)

If following these discussions, the Principal does not resolve the matter to the satisfaction of the complainant, the complainant must write to the Clerk to the Governors specifying full details of the complaint, the grounds on which the appeal is being made and why a satisfactory resolution has not been possible.

It is the duty of the Governing Body to investigate, and, if necessary, set up an appeal committee to hear a case. If this occurs, the Clerk to the Governing Body will have the responsibility for convening a hearing and ensuring that all the relevant papers are to hand. No statutory time limits apply to the consideration of such complaints but the Governing Body should consider responding promptly to any request from a parent/carer.

The panel will consist of two members of the Governing Body and an additional panel member who is independent of the management and running of the academy but shall not include the Principal. In such cases the Governing Body has discretion to agree a meeting to discuss the complaint with parents/carers if this is requested. A friend or representative may accompany the complainant. Evidence may be required both orally and in writing from the complainant and from the Principal.

The decision of the Appeal Panel will be communicated in writing to both parties within ten school days of the hearing. The decision will be binding on the school but the complainant has the right to make a further appeal to the Education Funding Agency (EFA).

Please note:

If at any time during the above stages the Police become involved, investigations by the school must be suspended until Police have informed the school that school investigations can be resumed.

4) The Role of the EFA

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the EFA who will consider whether the complaint has been dealt with properly by the school. The EFA schools complaints form can be accessed from the following link:

<https://www.education.gov.uk/schools/leadership/schoolperformance/school-complaints-form>

The EFA will consider complaints about academies that fall into any of the following three areas:

- where there is undue delay or the school did not comply with its own complaints procedure when considering a complaint;
- where the school is in breach of its funding agreement with the Secretary of State; or
- where a school has failed to comply with any other legal obligation.

The EFA will consider whether the complaints policy and any other relevant statutory policies have been adhered to. The EFA will not overturn a school's decision about a complaint; however, if it is found that a school did not deal with a complaint properly then the EFA may request that the complaint is looked into again. If legislative or policy breaches are found, the EFA will report them to the school and where necessary, ask for corrective action to be taken.

5) Unreasonable Conduct by a Complainant

The School 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. Complainants should limit the number of communications with the School while 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.

Complainants (and/or anyone acting on their behalf) may be deemed by the Principal and/or the Chair of Governors to be unreasonable if they have behaved in any of the following ways (this list is not exhaustive):

- The complainant makes such frequent contact with the school that objective consideration of a "live" complaint is hindered;
- The complainant makes a string of further complaints about a "live" investigation or changes aspect of the complaint, during the investigation;
- The complainant exhausts all stages of the school's complaints procedure but continues to pursue the same matter;
- The complainant persists in seeking an unrealistic outcome despite being advised that this is the case.

- The complainant's communications are:
 - Malicious, abusive or aggressive;
 - Use threats, intimidation or violence;
 - Use offensive, abusive or discriminatory language;
 - Known by them to be false and/or contain falsified information;
- The complainant publishes unacceptable information (i.e. social media websites and newspapers)
- The complainant makes insulting personal comments about, or threats towards, staff.
- The complainant makes unjustified complaints about staff who are trying to deal with the issues, and seek to have them replaced.
- The complainant refuses to articulate their complaint or specify their grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- The complainant refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- The complainant makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

In these examples a "contact" may be in person, in writing, or by telephone or SMS text.

Where a complainant behaves in an unacceptable fashion the Principal will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. The School may decide to deal with such complaints in one or more of the following ways, for example:

- Try to agree with the complainant a code of behaviour for the parties involved if the School is to continue processing the complaint.
- To require contact to take place with a named member of staff only.
- To restrict telephone calls to specified days and times.
- To restrict contact with the complainant to one form of contact only.
- To limit the number of times contact can be made per term.

If this behaviour continues then the Principal or Chair of Governors may authorise staff to terminate contact with the complainant (except in matters directly related to the education and welfare of their child) and they may discontinue any further investigation being carried out. Any further written contact from the complainant will be read and placed on file. Telephone calls relating to the complaint will be terminated and logged on the record. The School should usually review this position after 6 months.

6) Barring from the School Premises

- If a complainant's behaviour is a cause for concern, the School can ask them to leave the premises. In response to any serious incident of aggression or violence, the police may be informed.
- The School can notify a parent/carer, in writing, that their implied licence to be on the premises has been temporarily revoked; however, the complainant will be able to formally express their views on the decision to bar, in writing.
- The decision to bar will be reviewed, taking into account any representations made by the complainant, and will either be confirmed or lifted. If the decision to bar is confirmed, the parent will be notified in writing, explaining how long the bar will be in place.

Appendix 1: Informal Process

Shirley High School: Meeting Request Form

I wish to meet [*name of teacher*] to discuss the following matter:

Brief details of topic to be discussed:

Dates/times when it would be most convenient for a meeting:

Your name:

Relationship with school (e.g. parent/carer of a student on the school roll):

Student's name (if relevant to the matter to be discussed)

Your Address:

Telephone numbers

Daytime:

Evening:

e-mail address:

Signed

Date

[Please complete this form and return it to the school office]

School use:

Date Form received:

Date response sent:

Received by:

Response sent by:

Appendix 2: Formal Process

Shirley High School Formal Complaint Form

Please complete this form and return it to the school office or to the Principal who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:

Relationship with school (e.g. parent/carer of a student on the school roll):

.....

Student's name (if relevant to your complaint):

.....

Your Address:

Telephone numbers

Daytime:

Evening:

E-mail address:

Please give concise details of your complaint, (including dates, names of witnesses etc...), to allow the matter to be fully investigated:

You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached =

<p>What action, if any, have you already taken to try to resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?)</p>
<p>What actions do you feel might resolve the problem at this stage?</p>

School use:

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:			
Date:			