

THOMAS MILLS HIGH SCHOOL



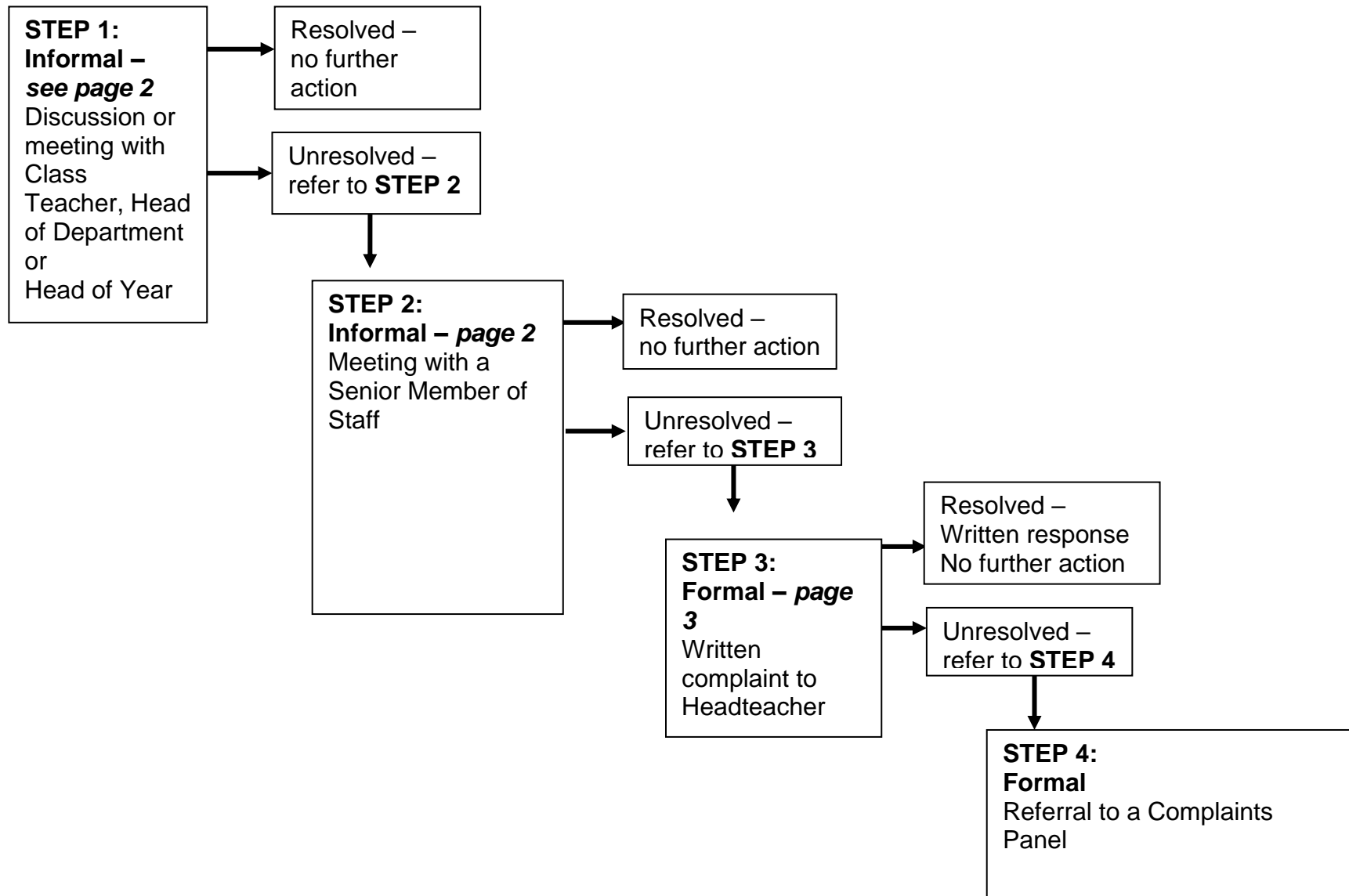
POLICY DOCUMENT 17 – APPROVED 23/03/2021

ACADEMY COMPLAINTS PROCEDURE

Vision Statement

*We, the staff and governors, aspire
to ensure that all our students,
irrespective of ability
and regardless of anyone's doubts,
achieve their potential in full;
and we aspire in this way to make Thomas Mills High School
the best in the country.*

Flowchart of procedure for handling concerns and complaints:



ACADEMY COMPLAINTS PROCEDURE

Thomas Mills High school is committed to providing the best education for every pupil in order to realise our Vision Statement. We recognise the importance of establishing and maintaining good relationships with parents, carers, and the wider community. We are aware that there may be occasions where people have concerns or complaints and the following procedure sets out the steps that should be followed in order to resolve these as quickly and informally as possible. It is unlikely that we can respond fully to complaints outside of a 12-month time frame but we will take exceptional circumstances into account when deciding to progress a complaint or not.

This procedure has been adopted by the Academy Trust in accordance with the requirements of the current Education (Independent School Standards) (England) Regulations. It is based upon the procedures used in Suffolk County Council schools but adapted to the requirements of academy status. It is expected that complaints will be referred to the school for informal resolution of the matter in the first instance. The whole procedure is outlined in the diagram above. For each step a time scale for dealing with the matter is indicated: you are entitled to have your complaint addressed within that time scale or to have a clear explanation of why it might be necessary for the time scale to be extended if that is unavoidable.

Complainants should be given the opportunity to complete the complaints procedure in full unless there is clear evidence that the complaint meets the criteria of a serial or persistent complaint. Complaints from people who are not parents of children at the school will be handled respectfully but there is not obligation to follow this policy

STEP 1: Informal

Please start by telling your child's tutor or head of year about your concern. This is usually the best and quickest way of resolving issues.

- *It is recommended that you speak to the tutor or head of year as soon as possible as this will give both parties the opportunity to talk about the issue in an appropriate manner. Alternatively, your concern may be passed to the teacher or head of department if this is more appropriate.*
 - *It is important to recognise that schools are busy organisations and it may not be possible, if necessary, to offer an appointment straightaway **but it will be offered within six school days.***
 - *The purpose of a meeting should be to establish the nature of the concern and to seek a realistic resolution to the problem.*
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STEP 2: Informal

If you feel dissatisfied with the outcome of discussions with the tutor or head of year, please ask for an appointment to meet with an appropriate senior member of staff.

- *The purpose of this meeting should be to establish the nature of the ongoing concern, what has been discussed so far and any actions arising from the initial contact.*
- *It is in everyone's interest, particularly the child or children, for concerns to be sorted out quickly and smoothly. However, it may be that the senior manager will need to look into what has happened since the initial meeting before they can suggest how your concern might be resolved. If this is the case, it should be agreed how and within what timescale they will contact you to let you know the outcome of their enquiries and what actions they have taken/propose to take. **However, this should be no more than ten school days after your original request for an appointment, unless you agree to a later date.***
- *The senior manager will normally make a brief written record of the concern discussed.*

It is hoped that most problems will have been resolved at this stage through the informal process.

STEP 3: Formal - complaint letter to the Headteacher

If you feel that the issue you have raised has not been resolved through the informal process and you wish to pursue it further, you may raise it through the formal procedure. To do this you must write a formal letter of complaint to the Headteacher (*you may use the form attached as Appendix 1, page 7*). Your letter should set out clearly the concern which has previously been discussed and why you feel that the issue is unresolved. It is also helpful if you can set out in your letter what resolution you are seeking.

A formal complaint must be made in writing. However, if there is sufficient reason to request a reasonable adjustment to amend this, we could explore other options, such as a note taker.

- *Moving to the formal complaints procedure is a serious step. In consideration of future home/school relationships everyone concerned will need to concentrate on finding a resolution to the issue and negotiate an agreement as to how this can best be achieved.*
- *The Headteacher will consider the complaint and in doing so should:*
 - *establish what has happened so far, and who has been involved;*
 - *clarify the nature of the complaint and what remains unresolved;*
 - *meet or contact you if they need further information;*
 - *clarify what you feel would put things right if this has not been set out in your letter;*
 - *interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;*
 - *conduct any interview with an open mind and be prepared to persist in the questioning;*
 - *keep notes of any interview for the record.*

- *The Headteacher will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following*
 - *an apology;*
 - *an explanation;*
 - *an admission that the situation could have been handled differently or better (N.B. this is not an admission of negligence);*
 - *an assurance that the event complained of will not recur;*
 - *an explanation of the steps that have been taken to ensure that it will not happen again;*
 - *an undertaking to review policies in light of the complaint.**It may also be the case that the complaint may not have any substance and is therefore considered to be unfounded or unsubstantiated.*
 - *The Headteacher will discuss the outcome of his consideration of your complaint with you and **send a detailed written response within 20 school days**. Where this proves unrealistic you will be informed in writing and given an estimate of how long it will take to provide a detailed response.*
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Concerns or complaints specifically about the Headteacher

Where you are unhappy about the decision the Headteacher has made about your complaint, this does not become a complaint about the Headteacher. If you feel that the complaint has not been resolved, you should move to Step 4 of the procedure.

If you have a concern or complaint that is specifically about the Headteacher and which has not been resolved at the informal stage, then you must write a formal letter of complaint to the Chair of Trustees. The school will provide you with the Chair of Trustees' name and you should write to him or her at the school address, marking the envelope 'urgent, private and confidential'.

- *The Chair of Trustees should acknowledge receipt of the letter within 5 school days and then proceed through the same process and to the same timescale as the Headteacher would use at Stage 3 for other complaints (as detailed above).*
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Complaints about the Academy Trust

Complaints against individual trustees can be made to the clerk of the Academy Trust via the Headteacher's PA. The complaint would follow the actions outlined in step 4 since it would be inappropriate for the Headteacher to manage this complaint. It is likely that the Chair of Trustees would sit on the Panel Hearing as well as an independent panel member.

Complaints against the Chair of the Academy Trust should also be sent to the clerk as above. The clerk should determine the most appropriate course of action. As a Stand-Alone Academy, this may involve sourcing an independent investigator to complete the formal stage and local Trustees from other schools to hear the panel hearing.

Complaints Campaigns

In the event of a wider campaign and receipt of large volumes of complaints, a different procedure would need to be instigated. The procedure could involve a template response to all complainants and publishing a single response.

A complaint campaign may include

- Complaints all based on the same subject
- Complainants unconnected with the school

Complainants could go to the Department for Education if they were dissatisfied with the school response.

Time-limits, exclusions, and vexatious complaints

Time limits:

Complaints need to be considered and resolved as quickly and efficiently as possible. As such, complaints made under this procedure must only relate to incidents or concerns occurring within the last **12 months**. Your complaint will not usually be able to be considered if your child no longer goes to the school.

Exclusions to the policy:

- **Safeguarding referrals** – schools have a duty to safeguard and promote the welfare of their pupils under section 175 of the Education Act 2002. This includes making referrals to the appropriate organisation, usually local authority children’s social care services, if they have a concern about the welfare of a child. It is not for the school to investigate or make a judgment about possible abuse or neglect, but they must refer any concerns they may have. As such, complaints about safeguarding referrals made in accordance with a statutory duty will not be considered under this procedure.
- **Admissions Appeals** – these are not complaints as such and are dealt with under a separate procedure. If you have not been successful in securing a place for your child, you will receive a letter from the county council refusing you a place and offering you the right of appeal. If you wish to make a complaint about the working of the appeals process itself, you should in the first instance contact the SCC Customer Service Centre on 08456 066 067 or the School.
- **Allegations of abuse** – allegations of abuse against a member of school staff must be reported to the Headteacher immediately. Allegations of abuse against the Headteacher must be reported to the Chair of Trustees immediately. In all cases the Suffolk Safeguarding Children Board [Arrangements For Managing Allegations Of Abuse](#)

[Against People Who Work With Children Or Those Who Are In Positions Of Trust](#) must be followed.

Vexatious complaints:

The majority of complaints are resolved through a properly managed complaints procedure. However, there are occasions when:

- despite all stages of the procedure having been followed, the complainant remains dissatisfied. If a complainant tries to reopen the same issue the Chair of Trustees may write informing them that all stages of the procedure have been exhausted and the matter is considered to be closed.
- complainants behave in an unreasonable manner when raising and/or pursuing concerns. In these circumstances the school may take action in accordance with Appendix 2 of this procedure (*page 9*).

STEP 4: Formal - Complaints not resolved with the Headteacher at Step 3

If you are of the view either that this procedure has not been followed correctly or that you have not been treated fairly, or you remain seriously dissatisfied and wish to take the matter further you should write to the Chair of Trustees requesting a hearing before a Complaints Panel.

The Complaints Panel will consist of two Trustees who have not been directly involved in the matters detailed in the complaint and an Independent Panel Member. The independent panel member will be able to provide an informed, independent view of the issues raised in the complaint. The Academy Trust appoints the panel member who is not an employee, governor or Member of the Academy Trust but will have suitable educational expertise and experience to fulfil the role.

You have the right to attend the Panel hearing and to be accompanied to it if you wish. The Department for Education state that neither the complainant nor the school bring legal representation as these committees are not a form of legal proceedings.

The Panel will meet **within twenty school days** of the receipt of your request by the Chair of Trustees and will then make findings and recommendations which will be communicated in writing to you (by e-mail or post) and to the Headteacher. Where relevant they will also be communicated to the person complained about.

The aim of the panel hearing should be : reconciliation and to put right things that may have gone wrong.

Any findings and recommendations will be shared in writing to the complainant and the school. Any minutes taken should also be issued to the complainant.

A written record of all formal complaints will be maintained by the Headteacher's PA, together with a note of the Stage at which they were resolved. This will remain confidential in accordance

with Data Protection principles, but will be made available on request to the Secretary of State or Ofsted inspectors. A key principle is that data must not be kept longer than is necessary.

In accordance with legal requirements, a note of the number of formal complaints received in the previous academic year is published on the School's website.

Recording of meetings

Records of meetings will be in writing and could include a follow up letter from the Headteacher. Meetings should not be recorded and informed consent from all parties would be necessary anyway. The Department for Education do not normally accept electronic recordings as evidence. If any recordings are obtained covertly and without informed consent of the school, the Department for Education will support the school.

Fair Proceedings

Complainants can request an independent panel if they believe there is likely to be bias in the proceedings. Evidence of bias in support of the request must be provided. Persons who have a conflict of interest should not take part in the complaints process.

Complaints outside the scope of this procedure

Some concerns or complaints would be considered outside the scope of this procedure and the school must advise complainants about the correct procedure or policy to be followed. This includes, but is not necessarily limited to the following: _

- admissions
- statutory assessments of special educational needs
- child protection matters
- exclusion
- grievances
- whistleblowing
- services provided by a supplier

Complainants' Behaviour on School Premises

Although fulfilling a public function, academies are private places. The public has no automatic right of entry. Schools must remain a safe place for pupils and staff.

If an individual's behaviour is a cause of concern, the Headteacher can ask them to leave the school premises. In some cases, individuals can be barred from entering school premises. This decision should be reviewed by the trustees who can take into account any representations made by individuals. All decisions as well as reviews should be followed up in writing. All parties could seek independent legal advice.

Finally, if on conclusion of all 4 steps of this procedure you feel that the school has acted unreasonably you may make a complaint in writing to the Secretary of State by contacting the ESFA*. You may contact them by writing to:

ESFA Academies Central Unit
Cheylesmore House
Quinton Road
Coventry
CV1 2WT

or by telephoning: 0845 337 2000 (ask for the ESFA Academies Central Unit)

or by e-mail: esfa@education.gsi.gov.uk

* The Education, Skills and Funding Agency (ESFA).

If, however, the complaint is about the application of Data Protection or Freedom of Information issues, the right of appeal after all stages of this Complaints Procedure have been followed is to the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

THOMAS MILLS HIGH SCHOOL

COMPLAINT FORM – STEP 3, FORMAL COMPLAINT

Please complete and return to the Headteacher's PA who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

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 might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

POLICY FOR DEALING WITH SERIAL, PERSISTENT OR VEXATIOUS COMPLAINTS / HARASSMENT IN SCHOOLS

The Headteacher and staff deal with specific complaints as part of their day-to-day management of the school in accordance with the **Academy 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.

The application of a 'serial or persistent' marking should be against the subject or complaint itself rather than the complainant.

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 School 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 School, including Trustees and parents
- deal fairly, honestly, and properly with those who make persistent or vexatious complaints and those who harass members of staff in school while ensuring that other stakeholders suffer no detriment.

2. HUMAN RIGHTS

2.1 In implementing this policy the School will seek to ensure that its actions are in accordance with its obligations under the Human Rights Act 1998 and the Convention Rights embodied within it in order to protect the Human Rights of both persistent complainants and all other stakeholders.

3. PARENTS' EXPECTATIONS OF THE SCHOOL:

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

- a) regularly communicate to parents/carers in writing:
 - (i) how and when problems can be raised with the School,

- (ii) the existence of the School's complaints procedure, and
- (iii) the existence of the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment in Schools
- b) respond within a reasonable time (specified in the Academy Complaints Procedure)
- c) be available for consultation within reasonable time limits (specified in the Academy Complaints Procedure) bearing in mind the needs of the pupils/students within the school and the nature of the complaint
- d) respond with courtesy and respect
- e) attempt to resolve problems using reasonable means in line with the School's complaints procedure
- f) keep complainants informed of progress towards a resolution of the issues raised

4. THE SCHOOL'S EXPECTATIONS OF PARENTS/CARERS/MEMBERS OF THE PUBLIC

4.1 The School can expect parents/carers/members of the public who wish to raise problems with the School to:

- a) treat all school staff with courtesy and respect
- b) respect the needs and well-being of pupils and staff in the School
- c) avoid any use, or threatened use, of violence to people or property
- d) avoid any aggression or verbal abuse
- e) recognise the time constraints under which members of staff in schools work and allow the School a reasonable time to respond
- f) recognise that resolving a specific problem can sometimes take some time
- g) (in the case of a complaint) follow the Academy Complaints Procedure

5. WHO IS A PERSISTENT COMPLAINANT?

5.1 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 School 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) an insistence upon pursuing complaints in an unreasonable manner
- e) an 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 school because it is unlawful.
- f) complaints designed to cause disruption or annoyance
- g) demands for redress that lack any serious purpose or value

- 5.2 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 school staff and/or
 - b) cause ongoing distress to individual member(s) of school staff and/or
 - c) have a significant adverse effect on the whole/parts of the school 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.

6. THE SCHOOL'S ACTIONS IN CASES OF PERSISTENT OR VEXATIOUS COMPLAINTS OR HARASSMENT

- 6.1.1 In the first instance the School will verbally inform the complainant that his/her behaviour is considered to be becoming unreasonable/unacceptable and, if it is not modified, action may be taken in accordance with this policy.
- 6.2 This will be confirmed in writing (Model Letter 1).
- 6.2.1 If the behaviour is not modified the School 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 school community:
- a) inform the complainant in writing that his/her behaviour is now considered by the School to be unreasonable/unacceptable and, therefore, to fall under the terms of this policy (see Model Letter 2)
 - b) 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 (see Model Letter 2)
 - c) inform the complainant that, except in emergencies, all routine communication with the complainant to the School should be by letter only (see Model Letter 2)
 - d) (in the case of physical or verbal aggression) refer to Joint Local Authority-Police Guidance for Schools, "Dealing with Abuse, Threats and Violence Towards School Staff", and consider warning the complainant about being banned from the School site; or proceed straight to a temporary ban.
 - e) consider taking advice from a solicitor on pursuing a case under Anti-Harassment legislation.
- 6.2.2 Legitimate new complaints will still be considered even if the person making them is, or has been, subject to the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment in Schools. In these circumstances legal advice may be sought.
- 6.2.3 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 School may resume the

process identified above at an appropriate level. In these circumstances legal advice may be sought.

6.2.4 The decision to stop responding should not be taken lightly and the school should be able to say yes to all of the following

- taken every reasonable step to address the concerns
- complainant has been given a clear statement of the school's position and their options
- complainant contacts you repeatedly making substantially the same points each time

6.2.5 The case to stop responding is stronger if

- letters, emails, or telephone calls are often or always abusive or aggressive
- insulting personal comments or threats are made towards staff
- you have reason to believe the individual is contacting you with the intention of causing disruption or inconvenience

6.2.6 The school can consider a communication strategy for persistent correspondents:

- restrict the individual to a single point of contact
- limit the number of times they can make contact (e.g. such as a fixed number of contacts per term).

7. REVIEW

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

MODEL LETTER 1:

INITIAL LETTER INFORMING A COMPLAINANT THAT HIS/HER BEHAVIOUR IS CONSIDERED TO FALL BELOW A REASONABLE/ ACCEPTABLE STANDARD

RECORDED DELIVERY

Dear

This letter is to inform you that the School considers your actions in [*describe actions, dates, behaviour*] on..... when you to be unreasonable/unacceptable [*delete as appropriate*].

We would ask you to bear in mind the fact that such behaviour on a school site can be disruptive and distressing to pupils, staff and parents/carers [*delete if behaviour complained of did not occur on school site e.g. persistent use of e-mail, verbally abusive telephone calls*].

We are aware that you have raised some concerns and would advise you that these are usually dealt with most effectively through the Academy Complaints Procedure. At the moment we are dealing with these issues by [*describe actions being taken to resolve concern*].

Please note that the School's Policy for Dealing with Persistent or Vexatious Complaints/Harassment sets out standards of behaviour expected of all people in their dealings with the School. These include:

- behaving reasonably
- treating others with courtesy and respect
- resolving complaints using the School's Complaints Procedure
- avoiding physical and verbal aggression at all times

The Policy also indicates the steps that we may take if these standards are breached. These include:

- making special arrangements for meetings and communication with the School
- considering a ban from the School premises
- considering legal action

I would ask that you allow the School time to resolve the issues according to the correct procedures, and would assure you that we shall take every possible step to move this process forward as quickly as possible.

Yours sincerely

Headteacher

MODEL LETTER 2:

INFORMING A COMPLAINANT THAT HIS/HER BEHAVIOUR IS NOW CONSIDERED TO FALL UNDER THE TERMS OF THE POLICY FOR DEALING WITH PERSISTENT OR VEXATIOUS COMPLAINTS / HARASSMENT

RECORDED DELIVERY

Dear

You will recall that I wrote to you on [*insert date*] telling you that I felt your behaviour was unreasonable.

I am now writing to inform you that in view of your behaviour on [date], when you [*describe actions/behaviour*] it has been decided that the School's Policy for Dealing with Persistent or Vexatious Complaints/Harassment Policy will apply.

In the circumstances I have made the following arrangements for your future contact with the school:

[**Delete as applicable*]

*For the foreseeable future, should you wish to meet with a member of staff, I would ask you to note:

- (a) an appointment will be arranged and confirmed in writing as soon as possible;
- (b) a third party from the school will be present;
- (c) in the interests of all parties, formal notes of this meeting may be made.

* For the foreseeable future, all routine communication with the School should be by letter only. Please address letters to at the School. We shall respond as quickly as possible. E-mail correspondence will not be responded to.

Exceptionally, these arrangements do not apply to any emergency involving [*insert name of student*] – in which case you should contact the school in the usual way – or to parents' evenings, which will continue as in the past, but with a third party from the school present.

These arrangements take effect straightaway. If you wish to make a representation about the contents of this letter, which may include any expressions of regret on your part and any assurances you are prepared to give about your future good conduct, you can do so by writing to me at the school by [*state ten working days from the date of the letter*]. If on receipt of your comments I consider that the arrangements outlined above should continue, you will be supplied with details of how to review a circumstance of your case.

I do hope that the difficulties we are currently experiencing can soon be resolved.

Yours sincerely

Headteacher