Complaints Policy

Albright Education Centre

Sandwell Home and Hospital Tuition Service

Signed by Chair of Governors:	
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1.0 Introduction:

It is in everyone's interests that concerns are resolved/clarified at the earliest possible stage. Where concerns are raised the school will work with the individual who raised the concern to identify what would resolve the situation and then endeavour to find a resolution at the earliest opportunity.

In accordance with **Section 29 of the Education Act 2002**, all local authority maintained 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.

Initial concerns should be dealt with by an appropriate member of staff. These should be taken seriously and every effort made to resolve matters as quickly as possible. In certain cases, it may be appropriate to forward these to the Head Teacher (or to the Chair of Governors, if the complaint is about the Head Teacher).

Where it is not possible to resolve concerns informally, the formal complaints procedure can be accessed.

This document outlines how complaints will be dealt with under the Formal Complaints Policy.

Complainants will always be given the opportunity to complete the complaints process in full, regardless of whether it is felt that that the complaint is justified or not.

If the complaints process is ongoing and further enquiries are received regarding the same subject we will not respond to the new enquires/complaints. This is because it is unhelpful to have more than one investigation ongoing which duplicate the issues being investigated.

2.0 Complaints about services provided by external bodies using a school's premises

Where the school has third party providers offering community facilities or services through the school premise, or using school facilities, the providers must have their own complaints procedure in place. Any complaints made concerning third party providers will be dealt with under their own procedures. The governing body will ensure that providers have the correct processes in place to deal with any concerns or complaints and any issues should be raised with the provider directly.

3.0 Who can make a complaint?

Any person, including members of the public, may make a complaint about any provision of facilities or services that a school provides, unless statutory procedures apply (such as exclusions or admissions, a list is included within the next section).

4.0 Exclusions to the complaints procedure:

The following issues will not be subject to the school's complaints procedure as they are outside of the school's jurisdiction:

- admission to schools;
- exclusions from school;
- special educational needs (SEN Tribunal)
- statutory proposals for school re-organisation;
- claims for damages
- staff grievance or disciplinary matters
- child protection issues;
- claims for damages.

Complaints made against school staff will be considered, however where it is determined that matters should be dealt with under the school's grievance and disciplinary procedures complainants will not be informed of the outcome.

Where a complaint relates to the behaviour of a pupil this may be subject to the school's conduct and disciplinary procedures and the detail will remain confidential to the school and the parents of the child involved.

Complainants can be assured that the complaints will be investigated fully but due to data protection information will not be shared with them in these circumstances.

Where complaints concern child protection matters these should be raised with the school but will not usually be considered as a formal complaint where there is likely to be a Child Protection Investigation.

Where a complaint is received which should not be dealt with as a formal complaint the school will write to the complainant to advise them of this and the reason for the decision. The school will confirm the correct process to be followed.

5.0 Accessibility

The school will ensure that the formal complaints procedure:

- is easily accessible and publicised both within the school and available on the school website;
- is simple to understand and use;
- is impartial and in the spirit of working together co-operatively to reach the best resolution for everyone;
- respectful of confidentiality for all;

6.0 Time limit for making a complaint:

In general, any matter which is raised more than 3 months after the event being complained of, will not be considered. A complainant cannot submit a subsequent complaint within 6 months.

7.0 Recording Complaints:

Complaints should be made on the electronic form provided by the school, https://forms.cloud.microsoft/e/d5fe1ciudC, this is to ensure that there is an accurate record of the complaint and it is clearly understood. However, if complainants are unable to complete this form complaints will be accepted in the following ways:

- in person;
- by telephone;
- or in writing.

When a formal complaint is received the school will write to the complainant within 5 school days to confirm what will happen next and the anticipated timescales.

8.0 Keeping people informed

Each stage of the complaints process has agreed timescales which should be adhered to. If for any reason this is not possible the school/governing body will write to the complainant to explain the reasons and confirm when the action will be completed.

9.0 Stages of the complaints process:

The following outlines the stages of the formal complaints procedure, at the end of each stage of the procedure complainants will be advised of how to progress to the next stage if they remain dissatisfied with the way in which the investigation has been conducted.

Formal stage one: a formal complaint will be investigated by the Head Teacher or person nominated by the Head Teacher. The investigation will be completed within 10 school days and at the end of the investigation a full written response will be sent to the complainant.

If the formal complaint is about the Head Teacher this will be dealt with by the Chair of Governors.

Formal stage two: if stage one has been completed and the complainant remains dissatisfied with how the investigation was conducted the complaint can be referred to a panel of governors. The request for stage 2 should be made to the Clerk to Governors within 10 school days of receiving the stage 1 response in writing.

The governing body panel will be independent and made up of three members of the governing body who have had no awareness or involvement with the complaint previously. The panel will carry out a review of the investigation which has been completed at stage one.

The request to progress to stage 2 should include a statement from the complainant which clearly states why they remain dissatisfied with the conduct of the investigation. If the reasons are not clear the Chair of Governors will write to the complainant to request the additional information required to review the complaint or consider inviting the complainant to attend the panel to present their views in person. The Panel will not usually consider any new issues and will review the investigation that has taken place at stage 1. The request to progress to stage 2 should be requested within 10 school days of receiving the stage 1 response.

Complainants have the right to request an independent panel if they believe that there is likely to be bias in the proceedings. The School will consider approaching a

different school to ask for help or contact the local Governor Services team commissioned by the LA, or the Diocese. The school will consider any such request but ultimately, the final decision is made by the Chair of Governors.

The panel will normally be conducted through consideration of a written submission, but reasonable requests to make oral representations will be considered sympathetically. The final decision will be made by the Chair of Governors.

The panel should take place within 10 school days of receipt of the request and the panel decision will be issued within 5 school working days of the panel being heard.

10.0 Next Steps for complainants who remain dissatisfied with the way in which the investigation was conducted:

Maintained Schools: When stage 2 has been completed this is the end of the school complaints procedure. If complainants are dissatisfied with the way in which the investigation was conducted they may ask for a further review of the process by the local authority.

If a complainant has completed the local procedures and remains dissatisfied, they have the right to refer their complaint to the Secretary of State for Education. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

Further information can be obtained from the DfE School Complaints Unit by calling the National Helpline on 0370 000 2288 or going online at: www.education.gov.uk/help/contactus

11.0 Social Media

Individuals who raise concerns are asked to comply with the Schools guidance on social media which should be available on the school website, a complaint can be undermined by:

- Comments made on social media
- Identifying individual staff on social media
- Personal abuse targeted towards individual members of staff
- Physical or verbal threats targeted to individuals or groups of staff

These behaviours amount to harassment and will be dealt with by the Police.

12.0 Serial and Persistent Complainants

The school is committed to working with anyone who raises an issue to take this seriously and work towards finding a solution to concerns. Generally, this should be a straightforward process and the school values the feedback that we receive on services. We accept that complainants may ask difficult questions where they believe that things have gone wrong and have a right to go through the complaints process.

However, in a minority of cases people pursue their feedback in a way which is inappropriate

Where the school is contacted repeatedly by individuals making the same point or asking for reconsideration on our position the school will need to take appropriate action. The school has a Serial and Persistent Complaints Policy for these difficult situations. This policy sets out what is considered to be unreasonable behaviour and the action that will be taken to address this. The procedure is available on the school website.

The application of a ‘serial’ or ‘persistent’ marking will be made against the subject of the complaint itself rather than the complainant.

Model Policy for Serial and Persistent Complainants

Albright Education Centre 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 act to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Albright Education Centre 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*'.

The following are a list of issues and behaviours which could be considered to be unreasonable, this list is not exhaustive.

A complainant:

- 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 complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted 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 large numbers 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 that complaint where the school's complaint procedure has been fully and properly implemented and completed including 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 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.

Schools will deal with formal complaints in accordance with the timescales stated in the school complaints policy and will agree the scope of the complaint at the start of the process. Once the complaint is agreed complainants should limit the numbers of communications with a 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.

Whenever possible, the headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking. The application of a 'serial' or 'persistent' marking will be against the subject, complainant or the complaint itself.

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 Albright Education Centre causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a 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 Albright Education Centre.

If the behaviour does not improve following any designation under the policy, then the next step can be consideration of legal proceedings such as an injunction.