

# Woodside Academy



## **Complaints Policy – including managing serial and unreasonable complaints**

Agreed by the Principal: October 2024

### **Introduction**

This policy is directly in line with guidance from the Department of Education and must be followed in all cases other than the following where separate procedures apply:

- Admissions
- Statutory assessment of SEN needs
- Child protection issues
- Exclusions
- Whistle blowing
- Staff grievances and disciplinary procedures

The academy will seek to resolve all complaints through the informal stages but, depending on the nature of the complaint, there may be a need to follow the academy's formal complaint procedure. Unless in exceptional circumstances (as agreed by the Chair of Governors), the complaint will not be investigated if brought more than 3 months from the original incident. The prime aim of the policy is to resolve the complaint as fairly and speedily as possible. Formal complaints will be dealt with in a sensitive, impartial and confidential manner. Any complaints found to be malicious, made by parents, the community or members of staff, may incur appropriate legal action by the academy. Woodside Academy's Complaints Policy has five main stages:

1. A concern is raised informally with a member of staff
2. Formal complaint is considered by the Vice or Assistant Principal
3. Complaint is heard by the Principal
4. Complaint is heard by the Chair of Governors
5. Complaint is heard by the Governing Body's Complaint Appeal Panel

### **Timescale**

Every effort will be made to keep to the stated timescales, however, if the complaint requires additional time to investigate thoroughly, you will be noted of the time scale.

## **Vexatious Complaints**

There will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the Governing Body will inform them in writing that the procedure has been exhausted and that the matter is now closed. The Governing Body will take action in regards to vexatious complaints or harassment.

## **Policy for dealing with persistent or vexatious complaints/harassment**

The principal and staff may deal with specific complaints as part of their day-to-day management of the academy in accordance with the academy's Complaints Policy. The majority of these would be expected to be handled in an informal manner and 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 academy may take action in accordance to this policy.

## **How to raise a concern or make a complaint**

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with either the class teacher or headteacher. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 4 of the procedure.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to The Clerk to the Governing Body via the school office. Please mark them as Private and Confidential.

## **Anonymous complaints**

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

## **Complaints received outside of term time**

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

## Complaints Procedure

**Please be aware that stages 1,2 and three must be completed before contemplating stage 4.**

### Stage One: Raising a concern with a member of staff

It is in everyone's interest that concerns are resolved at the earliest possible stage. In most cases the first person to speak to will be the class teacher. The class teacher may refer you to another staff member if appropriate. Please do not arrive at the academy without an appointment expecting to be seen by a member of staff, please make an appointment to see the class teacher. This will ensure sufficient time is allocated to listen carefully to your concerns. The matter may be able to be resolved through this discussion or may require the teacher to investigate or discuss with others. If this is the case, you will receive an acknowledgment within two academy working days. The majority of concerns will be satisfactorily dealt with in this way, however, if you are not satisfied with the outcome at stage one and you now wish to make a formal complaint, please write to the academy within ten working days and state why you do not think that the concern has been dealt with to your satisfaction. The academy will then look at your complaint at the next stage. If you have difficulties writing then the academy can arrange for someone to note your complaint. This applies to all stages of the procedure.

### Stage Two: Complaint heard by Vice or Assistant Principal

Formal complaints shall be put in writing and addressed to the Vice or Assistant Principal. The complaint will be logged including the date received and the academy will acknowledge receipt of the complaint within 3 working days. In many cases this response will also report on the action the academy has taken to resolve the issue. Alternatively, a meeting may be convened to discuss the matter further. This meeting will take place within 10 academy working days. If you do not speak English you may bring an interpreter with you to this (at your own expense) or any subsequent meetings. The aim will be to resolve the matter as speedily as possible. However, if you are not satisfied with the result at stage two, please write to the academy within 10 working days of getting our response. You will need to inform the academy of your reasons why you do not think that your concern has been dealt with to your satisfaction.

### Stage Three: Complaint considered by the Principal

If the matter has not been resolved at stage two, the Principal will arrange further investigation. Following the investigation s/he will give a written response within 14 working days. If you are dissatisfied with the result at stage three, you should let the Principal know in writing within 10 working days of getting the response, again giving your reasons why.

### Stage Four: Complaint considered by the Chair of Governors

If the complaint has not been resolved at stage three you should write to the Chair of Governors at the academy address, giving details of the complaint. No new complaint may be added. The Chair of Governors will investigate the matter and reply to you in writing within 10 working days.

### Stage Five: Heard by Governing Body's Complaints Appeal Panel

If the complaint has not been resolved at stage four no new complaint may be added. The Chair, or a nominated Governor will convene a Governing Body complaints panel. Individual complaints would not be heard by the whole Governing Body at any stage as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint. The panel will comprise of three people who have not been directly involved in the matters detailed in the complaint. The hearing will normally take place within 10 working days of the receipt of the written request for a stage five intervention. The complainant will be invited to attend the hearing and, if they wish, may be accompanied. The aim of the panel is to impartially resolve the complaint and to achieve reconciliation between the academy and the complainant. This will be minuted by the Clerk to Governors. All parties will be notified of the panel's decision in writing within five academy working days after the date of the hearing. The letter will explain if your complaint is entitled to further investigation by any other body, or whether you have the right to take this matter to any other official body and if so, to whom they need to be addressed. The Governors' appeal hearing is the last academy-based stage of the complaint process. A record of all appeals, decisions and recommendations of the Complaints Panel will be kept by the academy.

### **Complaints about the conduct of the Principal**

In cases where the matter concerns the conduct of the Principal, the Principal and Chair of Governors must both be informed in writing of your complaint. The Chair will arrange for the matter to be investigated as at stage four of the formal procedure. The Chair will give a written response within 14 working days. If you are dissatisfied with the result, the complaint will be referred to the Complaints Appeal Panel as at stage five above.

Following the outcome of stage five of this procedure, complaints regarding Academies may be considered by the Education Funding Agency (EFA) only in specific circumstances shown next. The EFA can only look at complaints about academies that fall into the following two areas:

- The academy did not comply with its own complaints procedure when considering a complaint or the academy's complaints procedure does not comply with statutory requirements.

The EFA cannot review or overturn an academy's decision about complaints but will look at whether the academy considered the complaint appropriately. The EFA will generally only do this after a complaint has been through the academy's own procedure but may investigate sooner if there is evidence of undue delays by the academy. If the EFA finds that an academy did not deal with a complaint appropriately it will request that the complaint is reconsidered. Similarly, if the academy's complaints procedure does not meet statutory requirements then the EFA will ensure that this is put right.

- The academy has failed to comply with a duty imposed on it under its funding agreement with the Secretary of State.

One of the EFA's main responsibilities is to ensure that academies comply with their funding agreement with the Secretary of State. The EFA will seek to resolve any concerns regarding potential or actual breaches of the funding.

## **Aims**

The aims of this policy are to:

- Uphold the standards of courtesy and reasonableness that should characterise all communication between the academy 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 academy, including Governors and parents
- Deal fairly, honestly and properly with those who make persistent or vexatious complaints and those who harass members of staff in the academy while ensuring that stakeholders suffer no detriment

## **Parents expectations of the academy**

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

- Inform them of the complaints procedure
- Respond within a reasonable time
- Be available for consultation within reasonable time limits bearing in mind the needs of the pupils/students within the academy and the nature of the complaint
- Respond with courtesy and respect
- Attempt to resolve problems using reasonable means in line with the academy's complaints procedure, other policies and practice to keep complainants informed of progress towards a resolution of the issues raised

## **The academy's expectations of parents/carers/members of the public**

The academy will expect parents/carers/members of the public who wish to raise problems with the academy to:

- Treat all academy staff with courtesy and respect
- Respect the needs and well-being of pupils and staff in the academy
- Avoid any use, or threatened use, of violence to people or property
- Avoid any aggression or verbal abuse
- Recognise the time constraints under which members of staff in academies work and allow the academy a reasonable time to respond
- Recognise that solving a specific problem can sometimes take a longer time than expected
- (In the case of the complaint) follow the academy's complaints procedure, if the above is not adhered to the academy reserves the right to refuse to investigate until the above behaviour is evident

## **Who is a persistent complainant?**

For the purpose of this policy, a persistent complainant is a parent/carer or member of the public who complains about issues, or frequently raises issues, either formally or informally, of the academy and whose behaviour is unreasonable. Such behaviour may be characterised by:

- Actions which are obsessive, persistent, harassing, prolific, repetitious prolific correspondence or excessive email or telephone contact about a concern or complaint
- An insistence upon pursuing unsubstantiated complaints and/or unrealistic or unreasonable outcomes
- An insistence upon pursuing complaints in an unreasonable manner
- 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 academy because it is unlawful

For the purpose of this policy, harassment is the unreasonable pursuit of such actions listed above in such a way that they appear to be targeted over a significant period of time on one or more members of academy staff and/or cause ongoing distress to individual member(s) of academy staff and/or have a significant adverse effect on the whole/parts of the academy community and/or 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 taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health.

### **The academy's actions in cases of persistent or vexatious complaints or harassment**

In the first instance the academy 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, this will be confirmed in writing. If the behaviour is not modified the academy 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 academy community:

- Inform the complainant in writing that his/her behaviour is now considered by the academy to be unreasonable/unacceptable and, therefore, to fall under the terms of this policy
- Inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of the meetings may be taken in the interests of all parties
- Inform the complainant that, except in emergencies, all routine communication with the complainant to the academy should be by letter only
- In the case of physical or verbal aggression consider warning the complainant about being banned from the academy site, or proceed straight to a temporary ban
- Consider taking advice on pursuing a case under Anti-Harassment legislation and report violent and threatening behaviour or behaviour which harasses any member of staff or shows discrimination to any member of staff to the police.

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 academy may resume the process identified above at an appropriate level.

### **Policy for managing serial and unreasonable complaints**

Woodside 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 that complainants have with our 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.

Woodside Academy defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the 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
- refuses to accept that certain issues are not within the scope of the complaint's procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- 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 and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the 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 Principal or Chair of Governors will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the Principal will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact Woodside Academy causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from Woodside Academy.