



COMPLAINTS POLICY

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Date approved by Governing body: 17th May 2016

**Person responsible for this policy: Venn Academy Trust
Board**

VERSION 1.0

VENN Academy Trust Complaints Procedure

General Principles:

This procedure for is intended to allow you to raise a concern or complaint relating to the Academy, or the services that it provides.

An anonymous concern or complaint will not be investigated under this procedure, unless there are exceptional circumstances.

To allow for a proper investigation, concerns or complaints should be brought to the attention of the academy as soon as possible. In general, any matter raised more than 3 months after the event, being complained of, will not be considered.

When complaining you are required to follow the Academy procedure to allow your complaint to be acted upon both fairly and timely.

Please ensure you give as much accurate information as possible to allow your complained to be both investigated and heard.

Raising a concern or complaint

Informal Stage

It is normally appropriate to communicate directly with the member of staff concerned. This may be by letter, by telephone or in person by appointment.

All appointments must be made via the Academy office. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage.

In the case of serious concerns it may be appropriate to address them directly to the Deputy Headteacher or Headteacher (or to the Chair of the governing body, if the complaint is about the Headteacher).

Concerns may be addressed to either the Deputy Chief Executive of the Trust and Chief Executive of the Trust.

If you are uncertain about who to contact, please seek advice from the academy offices.

Formal Stage

If your concern or complaint is not resolved at the informal stage you must put the complaint in writing and pass it to the Headteacher, normally via the Academy office, (for the attention of the Chair, if the complaint is about the Headteacher) who will be responsible for ensuring that it is investigated appropriately.

A Complaint Form is provided to assist you.

You should include details that might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents.

It is very important that you include a clear statement of the actions that you would like the Academy to take to resolve your concern. Without this it is much more difficult to proceed.

Please pass the completed form in a sealed envelope, to the Headteacher or to the Chair of the Governors, as appropriate via the academy office.

The Headteacher [or Chair] may invite you to a meeting to clarify your concerns and to seek an informal resolution. If you accept that invitation you may be accompanied by a friend, if you wish, to assist you in explaining the nature of your concerns.

It is possible that your complaint will be resolved through a meeting with the Deputy or Headteacher (or Chair). If not arrangements will be made for the matter to be fully investigated, using the appropriate procedure. In any case you should learn in writing, usually within 5 days of the Academy receiving your formal complaint, of how the Academy intends to proceed. This notification should include an indication of the anticipated timescale.

Any investigation will begin as soon as possible and when it has been concluded, you will be informed in writing of its conclusion. Please note at this stage we can only investigate all the information known at that time.

If you are not satisfied with the manner in which the process has been followed, you may request that the governing body reviews the process followed by the Academy in handling the complaint. Any such request must be made in writing to the clerk to the governing body, within 10 Academy days of receiving notice of the outcome, and include a statement specifying any perceived failures to follow the procedure. The procedure described below will be followed. A Review Request form is provided for your convenience.

Review Process

Any review of the process followed by the Academy will be conducted by a panel of 3 members of the governing body. This will usually take place within 10 Academy days of receipt of your request.

The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations should be considered sympathetically.

The panel will first receive written evidence from the complainant.

The panel will then invite representatives of the Academy (usually the Headteacher or the Chair of the governing body panel that has considered the matter) as appropriate to make a response to the complaint.

The panel may also have access to the records kept of the process followed.

You, and the Academy representative(s) will be informed in writing of the outcome, usually within 5 Academy days of the panel meeting.

If you believe that the Governing Body has acted illegally or arbitrarily in handling the complaint, then you may make representations to one of the Directors of our Academy, VENN Academy Trust.

You may also take your complaint to the Chair of the Trust Board who will take up your complaint on your behalf.

Information can be obtained from any academy office.

VENN Academy Trust
Complaint Form

Please complete this form and return it to Headteacher (or Chair of Governors) via the academy office who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:

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

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

Your Address:

Daytime telephone number:

Evening telephone number:

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:

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?)

What actions do you feel might resolve the problem at this stage?

Signature:

Date:

Academy use:
Date Form received:
Received by:
Date acknowledgement sent:
Acknowledgement sent by:

Complaint referred to:			
Date:			

VENN Academy Trust
Complaint Review Request Form

Please complete this form and return it to Headteacher [or Clerk to the governing body], who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:

Your Address:

Daytime telephone number:

Evening telephone number:

Dear Sir

I submitted a formal complaint to the academy on and am dissatisfied by the procedure that has been followed.

My complaint was submitted to and I received a response from on

I have attached copies of my formal complaint and of the response[s] from the Academy.

I am dissatisfied with the way in which the procedure was carried out, because:

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

Number of Additional pages attached:

What actions do you feel might resolve the problem at this stage?

Signature:

Date:

Academy use

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Request referred to:	
Date:	

Annex 2 **Investigation Procedure**

The investigation of an allegation or a complaint should always be carried out thoroughly and responsibly, irrespective of whether the complaint appears to be trivial or serious. The outcome of such an investigation will have significance not only for the complainant but also for any member of staff against whom a complaint has been made.

Any anonymous complaint will not be investigated, unless there are exceptional circumstances. These would include serious concerns such as Child Protection issues or bullying allegations, where the Academy would involve the Education safeguarding Officer as well as conducting its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.

Preparing for an Investigation

Where the Academy receives a formal complaint, it should be acknowledged and a commitment made that the complaint will be investigated and the outcome of the investigation notified to the complainant in due course.

It is essential that there is a clear understanding of the complaint. Where necessary the nature of the complaint should be confirmed with the complainant. e.g. through an initial meeting (If an investigator is appointed there may need to be more detailed follow-up).

Any member of staff against whom a complaint has been made, should be notified that a complaint has been received and that the appropriate Academy procedure will be followed. It is usually not appropriate to provide the member of staff with details of the evidence on which the complaint is based until any investigation has been completed. However the member of staff does need to be able to understand the nature of any allegations against them.

Once any complaint has been confirmed the Academy needs to determine which procedure (Academy or LA) is most appropriate and to select an appropriate person to conduct any investigation.

Conducting the investigation

The investigation must be carried out in accordance with the provisions of the relevant procedure.

Arrangements should be agreed so that accurate notes can be taken of all interviews and the outcome of the investigation be accurately recorded.

The complainant should be given the opportunity to offer documentation and to identify potential witnesses or sources of evidence.

The member of staff subject to the complaint should be advised that they may be accompanied by a friend or trade union representative when invited to be interviewed.

Where children are potential witnesses, discretion should be exercised over their involvement. Pupils should only be interviewed when the nature of the complaint is sufficiently serious to warrant it and adult witnesses are not available. Only in extreme circumstances will younger pupils be interviewed.

Any interviews should be conducted as soon as possible to ensure that recollections are as fresh as possible and to minimise the possibility that evidence will become tainted through witnesses discussing alleged incidents with other persons.

In conducting interviews, the investigator should prepare the questions to be asked prior to the interview. These can always be supplemented during the interview. The investigator should allow the interviewee to answer in their own way. Their responses should be listened to attentively. Any temptation to cut an interviewee short or to seek to lead them must be resisted. The interviewee should be given the opportunity of providing other relevant information at the end of the interview.

Interviewees should, however, be advised that their responses must be confined to the substance of the complaint. Any attempt by the interviewee to introduce information relating to other members of staff or to issues unrelated to the complaint should be resisted.

The investigator should avoid reaching conclusions or passing judgement until the investigation has been completed and their report is being written.

Concluding the investigation

The report may contain:

- a brief outline of the process that has been followed;
- a statement of the complaint/concern;
- a summary of the findings, linked to the relevant evidence;
- any recommendations for future action;
- annexes containing copies of witness statements and other evidence collected during the investigation.

The report of the investigation will usually be confidential to the Academy, as it is likely to contain sensitive personal information. If a request is received to release the report, under either the Data Protection Act or Freedom of Information, the Academy should seek legal advice from the LA.

A summary of the process undertaken and the outcome of the investigation may be provided to the complainant. Caution must be exercised in reporting back to the

complainant as revealing certain details may prejudice the ability of an employee to continue in post.

Following consideration of the report by the relevant body, any final recommendations may also be shared with the parties, unless there is good reason not so to do. Wherever possible, recommendations should be constructive and not punitive. The complainant should be advised that he/she may, if they are not satisfied that the appropriate procedure has been followed, request a review of that process by the governing body.

Annex 3 **Governing Body Complaints Panel Meeting**

If the Academy receives a formal complaint about one of the limited number of matters, that is not dealt with by another statutory process and which relates to Academy or the services that it provides, it may be necessary to convene a governing body panel to consider the matter and formulate a response.

The complaint is likely to relate to matters such as:

- the content or the application of a governing body policy;
- unreasonable exercise of discretion by Headteacher;
e.g. declining to accept a volunteer or to sign a passport application or to authorise a pupil's absence;
- Selection of pupils for an Academy team or play.

If a governing body committee already has delegated power with respect to a policy that is being complained of, a panel of members from that committee should be convened. Otherwise the clerk should convene a panel of 3 governors, who have not previously been involved with the complaint.

The complainant should submit the details of their concerns, in writing, to the clerk. The clerk will seek similar written responses from the Academy, where this is necessary.

A meeting of the panel will take place, usually within 10 Academy days, to consider the matter. The complainant [who may be accompanied by a friend if they wish] and representative[s] from the Academy may be invited to attend this meeting in order to clarify the matter. As the panel meeting is intended to be investigatory, rather than adversarial, the persons giving evidence or making representations to the panel will normally attend separately.

When the panel has collected sufficient information, it will deliberate and then inform the complainant, the Head Teacher and the governing body of the outcome, in writing. Consideration of the complaint by the governing body and the Academy, save for any actions that are agreed, will terminate at this point.

If the complainant is not satisfied that the appropriate procedure has been followed, they may request a review of that process by another panel of the governing body.

Annex 4
Model Letters

a) Response to spurious complainant

Dear

Following receipt of your communications and careful consideration of the same, I regret that I am unable to deal with this matter under the Governing Body's Complaints Procedure as:

It will be appropriate to include SOME of the following statements:

- You have not identified any specific actions of which you might complain;
- Your concerns are presented as conclusions rather than specific actions of which you complain;
- The concerns that you identify relate to historical actions and any evidence which might have enabled an objective investigation of your complaint is no longer available;
- The substance of your complaint has been addressed under this procedure already;
- The concerns that you raise do not fall within the scope of this procedure.
- You have not identified any potential sources of evidence that might allow the matter to be investigated.

If you wish my decision to be reviewed then you may take advantage of the procedure set out in the Academy's Formal Complaint Procedure, by writing to the Clerk to the Governing Body.

Yours sincerely,

Headteacher
Or
Chair of Governing Body

b) Acknowledgement of receipt of formal complaint *and* invitation to meet

Dear

I have received your formal complaint (dated). I am grateful that you have brought this to my attention.

The Academy and governing body take any complaint most seriously. Therefore I would like to meet with you, as soon as possible, so that I may understand the details of your concerns more clearly. You are welcome to be accompanied to the meeting by a friend, if you would find this helpful. Please telephone my secretary, in order to arrange an appointment./ I can offer you an appointment at on ,.....

Please let my secretary know if this is convenient.

I hope that we will be able to resolve your concerns through our meeting, but if not I will ensure that the appropriate investigation takes place. This should begin within 5 days of our meeting.

Yours sincerely,

Headteacher

Or

Chair of Governing Body

c) Acknowledgement of receipt of formal complaint referred by a third party

Dear

I have received a copy of the documentation that you sent to _____ setting out a complaint about _____. This has been passed to the Academy as it has responsibility for these matters.

The Academy and governing body take any complaint most seriously. Therefore I would like to meet with you, as soon as possible, so that I may understand the details of your concerns more clearly. You are welcome to be accompanied to the meeting by a friend, if you would find this helpful. Please telephone my secretary, in order to arrange an appointment./ I can offer you an appointment at on ,..... .Please let my secretary know if this is convenient.

Meanwhile I would be grateful if you would complete and return the Formal Complaint Form that is enclosed, along with details of the Academy's complaints procedure.

I hope that we will be able to resolve your concerns through our meeting, but if not I will ensure that the appropriate investigation takes place. This should begin within 5 days of our meeting.

Yours sincerely,

Headteacher
Or
Chair of Governing Body

d) Acknowledgements of receipt of formal complaint and advising complainant that the matter has been referred

Dear

I have received your formal complaint, dated . I am grateful that you have brought this to my attention.

However, the matters that are of concern to you are the responsibility of the governing body/Pupil Discipline Committee/LA/Diocese/service provider, so I have forwarded your documentation to .

You should be contacted in the near future to be advised of how they intend to proceed.

If I can be of any further assistance, please do let me know.

Yours sincerely,

Headteacher

e) Acknowledgements of receipt of formal complaint and advising complainant that the matter is being dealt with under a confidential Academy procedure

Dear

I have received your formal complaint, dated . I am grateful that you have brought this to my attention.

The Academy and governing body take any complaint most seriously. Therefore I have begun an immediate investigation. It is possible that the investigator will wish to meet with you to clarify the evidence that you have provided so far. If so, he will write to you to make suitable arrangements.

As your concerns relate to the conduct/capability of a member of staff, the investigation will be carried out under the Academy's staff conduct/capability procedures. This means that the detail of the procedure and its outcome must remain confidential to the Academy and the member of staff concerned.

OR

As your concerns relate to the behaviour of a pupil, the investigation will be carried out under the Academy's pupil conduct and disciplinary procedures. This means that the detail of the procedure and its outcome must remain confidential to the Academy and the parents of the child concerned.

In due course, I may be able to provide you with some information about the outcomes of the investigation and the processes that have been followed, but in any event will let you know when the matter has been concluded.

If I can be of any further assistance, please do let me know.

Yours sincerely,

Headteacher

Or

Chair of Governing Body

f) NOTIFICATION OF DECISION REGARDING FORMAL COMPLAINT

Dear

Following receipt of your complaint and careful consideration of all the available relevant evidence, I/the panel have/has concluded that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld. If you are able to provide additional evidence forthwith I/we will reconsider this decision.

OR

- The concern is not substantiated by the evidence in that .

OR

- The concern was substantiated in part/in full, as .
- The Academy will review its practices/procedures..... with the intention of avoiding any reoccurrence. Parents will be informed in due course of any policy changes.

OR

- In order to address fully the matters investigated, the Academy has initiated appropriate internal procedures. Due to the nature of these procedures, their outcome must remain strictly confidential. We are confident, however, that the circumstances that gave rise to your complaint should not recur.

OR

- In order to address fully the matters of concern that you identified, the panel recommended that the governing body should review its policy, as a matter of urgency. We are confident that this should prevent similar concerns arising in future.

I hope that we may now put this matter behind us and work together for the benefit of your child's progress.

Yours sincerely

Headteacher/Chair of Governing Body/Chair of Panel

g) REVIEW OUTCOME NOTIFICATION

Dear

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review Panel has concluded that the Academy followed the relevant procedure appropriately in respect of your complaint.

Summary of reasons

Therefore, the matter is now closed as far as the Academy is concerned.

Or

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review Panel has concluded that the Academy followed the relevant procedure appropriately in respect of your complaint except

Therefore, the following action will be taken

Once this action has been completed the Academy will consider the matter to be closed.

Or

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review Panel has concluded that the Academy followed the relevant procedure appropriately in respect of your complaint except

However the panel determined that this procedural failure did not affect the outcome of the consideration of your complaint so, while we regret this error, we will now consider this matter to be closed as far as the Academy is concerned.

Yours sincerely

Chair of Complaints Review Panel
c.c. Headteacher
Chair of Governors

Annex 5

Model Paragraph for inclusion in Academy Prospectus

Raising Concerns and Resolving Complaints

From time to time parents, and others connected with the Academy, will become aware of matters which cause them concern. To encourage resolution of such situations the Governing Body has adopted a “Academy Complaints Procedure”.

The procedure is devised with the intention that it will:

- Usually be possible to resolve problems by informal means;
- Be simple to use and understand;
- Be non-adversarial;
- Provide confidentiality;
- Allow problems to be handled swiftly through the correct procedure;
- Address all the points at issue;
- Inform future practice so that the problem is unlikely to recur.

Full details of the procedure may be obtained from the Academy Office or from the Clerk to the Governing Body.

Annex 6

Leaflet that could be sent to persons who make spurious/vexatious or abusive complaints, if the policy is adopted by the Governing Body

VENN Academy Trust Policy For Handling Unreasonably Persistent, Harassing Or Abusive Complainants

The headteacher and governing body are fully committed to the improvement of our Academy. We welcome feedback from parents/carers and will always try to resolve any concerns as quickly as possible. There is a procedure for parents to use if they wish to make a formal complaint.

Sometimes, however, parents or carers pursuing complaints or other issues treat staff and others in a way that is unacceptable. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour towards any members of the Academy community.

The aim of this leaflet is to provide information about our Academy policy on unreasonably persistent complainants or harassment of staff.

What do we mean by 'an unreasonably persistent complainant'?

An unreasonably persistent complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include persons who pursue complaints in an unreasonable manner.

Unreasonable behaviour may include:

- actions which are
 - out of proportion to the nature of the complaint, or
 - persistent – even when the complaints procedure has been exhausted, or
 - personally harassing, or
 - unjustifiably repetitious
- an insistence on
 - pursuing unjustified complaints and/or
 - unrealistic outcomes to justified complaints
- an insistence on
 - pursuing justifiable complaints in an unreasonable manner (eg using abusive or threatening language; or
 - making complaints in public; or
 - refusing to attend appointments to discuss the complaint.

What is 'harassment'?

We regard harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than to seek a resolution.

Behaviour may fall within the scope of this policy if:

- it appears to be deliberately targeted at one or more members of Academy staff or others, without good cause;
- the way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes undue distress to Academy staff or others;
- it has a significant and disproportionate adverse effect on the Academy community.

What does the Academy expect of any person wishing to raise a concern?

The Academy expects anyone who wishes to raise concerns with the Academy to:

- treat all members of the Academy community with courtesy and respect;
- respect the needs of pupils and staff within the Academy;
- avoid the use of violence, or threats of violence, towards people or property;
- recognise the time constraints under which members of staff in Academy's work and allow the Academy a reasonable time to respond to a complaint;
- follow the Academy's complaints procedure.

Academy's responses to unreasonably persistent complaints or harassment

This policy is intended to be used in conjunction with the Academy's complaints procedure. Taken together, these documents set out how we will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty.

However, in cases of unreasonably persistent complaints or harassment, the Academy may take some or all of the following steps, as appropriate:

- inform the complainant informally that his/her behaviour is now considered by the Academy to be unreasonable or unacceptable, and request a changed approach;
- inform the complainant in writing that the Academy considers his/her behaviour to fall under the terms of the Unreasonably Persistent Complaints/ Harassment Policy;
- require all future meetings with a member of staff to be conducted with a second person present. In the interests of all parties, notes of these meetings may be taken;

- inform the complainant that, except in emergencies, the Academy will respond only to written communication and that these may be required to be channelled through the Local Authority.

Physical or verbal aggression

The governing body will not tolerate **any** form of physical or verbal aggression against members of the Academy community. If there is evidence of any such aggression the Academy may:

- ban the individual from entering the Academy site, with immediate effect;
- request an Anti-Social Behaviour Order (ASBO);
- prosecute under Anti-Harassment legislation.
- call the police to remove the individual from the premises, under powers provided by the Education Act 1996.

Legitimate new complaints will always be considered, even if the person making them is (or has been) subject to the Unreasonably Persistent Complaints/ Harassment Policy. The Academy nevertheless reserves the right not to respond to communications from individuals subject to the policy.

Contact/Complaints Triage Table

Nature of Contact	Appropriate person to receive contact	Relevant Policy/Procedure
Request for published information	Academy Office	FOI Act
Request for personal pupil information	Headteacher or Senior member of staff	DPA
Complaint about GB policy [content or application of]	Clerk/Chair	General Complaints Procedure
Unreasonable exercise of discretion by Headteacher e.g. declining to accept a volunteer or to sign a passport application	Headteacher Chair	General Complaints Procedure
Allegation about conduct of a member of staff	Headteacher or Chair [if allegation against Headteacher]	Academy Staff Discipline Procedure [Confidential to Academy and Employee]
Allegation of verbal or physical assault by employee on pupil	Headteacher or Child Protection co-ordinator Or Chair [if allegation against Headteacher]	Local Child Protection Procedures [Confidential to Academy, LA CPO and parents of alleged victim]
Allegation about capability of a member of staff	Headteacher or Chair [if allegation against head]	Academy Staff Competence Procedure [Confidential to Academy and Employee]
Conduct of another pupil [e.g. bullying]	Headteacher or Senior member of staff	Academy behaviour and discipline procedures [Confidential to Academy and parents of alleged perpetrator]
Discipline of a pupil	Headteacher or Senior member of staff	Academy behaviour and discipline procedures [Confidential to Academy and parents of pupil]
Content of /Failure to maintain a statement of SEN	Headteacher /SENCO Chair of Governors	Academy procedures
Admissions	Headteacher Chair of Governors	Admissions Procedure Admissions Appeal Procedure
Exclusion	Headteacher Chair of Governors	Exclusion Appeal Procedure
Failure to provide NC	Headteacher	Academy Procedure

Entitlement or Inappropriate curriculum	Chair of Governors	
Extended Services	Manager of relevant service	Procedures of Service Provider
GB Decision to remove licence for a person to enter Academy premises [banning]	Headteacher Chair of Governors	GB Appeal Committee
Selection of pupil for Academy team/play	Headteacher Chair of Governors	General Complaints Procedure

Reviewed April 2016