

# Complaints Policy and Procedure 2020

The Midland Academies Trust

Company Secretary



# Contents

## Complaints Policy and Procedure 2020

1. Introduction
2. General Principles
3. Procedures for Raising / Dealing with Complaints
4. Complaint Procedure
  - 4.1 Stage One Procedure: Informal Complaint
  - 4.2 Stage Two Procedure: Formal Complaint
  - 4.3 Stage Three: Complaint Heard by the Raising Achievement Board Appeal Panel
5. Acceptable Behaviour
6. Vexatious or Persistent Complaints
7. Raising Achievement Board - Complaints Monitoring
8. Publicising the Procedure
9. Policy Approval and Review

## Appendices

1. Individuals with Responsibility in Relations to the Policy and Procedure
2. Complaints Procedure - Flow Chart
3. The Complaint Form
4. The Appeal Panel - Roles and Responsibilities
5. Policy for Unreasonable Complaints

# Complaints Policy and Procedure 2020

## 1. Introduction

- 1.1 The Midland Academies Trust (the Trust) provides governance and oversight to those academies that are part of the Trust. These include:
  - i. The Nuneaton Academy;
  - ii. The George Eliot School;
  - iii. The Hartshill School;
  - iv. The Heath Lane Academy.
- 1.2 This Policy and Procedure applies to each of the academies listed above and any other academy established by the Trust, subsequent to the approval of this Policy.
- 1.3 The Trust is committed to working closely with each academy and their staff, to building good relationships with students, parent/carers and the community. This includes receiving feedback to help improve and develop practices and services. Occasionally feedback on difficulties and challenges that arise needs to be addressed through a formal procedure in order to resolve the matter and reconcile the parties concerned. In such cases, the Trust and its academies are committed to dealing with complaints in a consistent, appropriate and timely manner. This Policy and Procedure provides the framework for this approach.
- 1.4 This Policy and Procedure will be relied upon for all complaints (including those made by persons who are not parents of attending students) made against an academy except with regard to:
  - i. child protection allegations, where the Child Protection Policy applies;
  - ii. exclusions, where the Department for Education (DfE) statutory guidance on Exclusions from Maintained Schools, Academies and Pupil Referral Units in England, (<https://www.gov.uk/government/publications/school-exclusion>) applies;
  - iii. admissions to an Academy, where the Admissions Appeal Procedure applies;
  - iv. complaint by a member of staff, where the Grievance or Disciplinary Policies apply;
  - v. a qualifying disclosure, where the Public Interest Disclosure (Whistleblowing) Policy applies.
- 1.5 Each of the above policies can be provided by contacting the relevant Academy directly or accessing the relevant policy through an academy or the Trust's website, [www.midlandacademiestrust.co.uk](http://www.midlandacademiestrust.co.uk).
- 1.6 This Policy and Procedure has been developed in accordance with the standards set out in Schedule 1 Part 7 of the Education (Independent School Standards) (England) Regulations 2014 and DfE Best Practice Guidance for School Complaints Procedures 2019.
- 1.7 This Policy may also be used by individuals who are not parents of attending students.

## 2. General Principles

### 2.1 Framework

- 2.1.1 A 'concern' is generally viewed as an expression of worry or doubt over an issue which is considered to be important and for which reassurance is sought.
- 2.1.2 A 'complaint' may generally be recognised as an expression or statement of dissatisfaction, however made, about actions taken or a lack of action.
- 2.1.3 This Policy will:
  - i. aim to balance the rights and responsibilities of students, parents and academy staff and to recognise the responsibilities that rest on each of these;

- ii. encourage resolution of problems by informal means wherever possible;
- iii. be easily accessible and publicised;
- iv. be simple to understand and use;
- v. be impartial and non-adversarial;
- vi. enable swift handling of concerns and complaints within established time-limits for action and ensure complainants are kept informed of the progress of their complaint;
- vii. ensure a full and fair investigation by an independent person where necessary;
- viii. provide respect for a complainant's desire for confidentiality;
- ix. address all the points at issue and provide an effective response and appropriate redress, where necessary;
- x. provide information to an Academy's Senior Leadership Team so that services can be improved.

2.1.4 A complaint is not part of any staff disciplinary process and staff who may be interviewed as part of the investigation will be treated fairly and have an opportunity to state their case. Staff will be offered support in dealing with any investigation into a complaint. Any member of staff who is complained about will have the opportunity to respond to the complaint during the investigation and will be able to see any response as a result of the investigation. Any disciplinary procedures that may arise from the investigation will be dealt with separately under the Trust's Disciplinary Policy and associated procedures.

2.1.5 The Trust and its academies will comply with their legal obligations under the Equalities Act 2010. Complainants will be assisted if they are unable to raise a complaint in a written format. Complainants needing support to enable them to understand the details of this document, should contact the relevant academy for assistance.

2.1.6 Academies should record the progress of a complaint for stages 1 and 2 of the procedure. The Company Secretary will record the progress of any complaint which moves to stage 3 of the procedure.

## 2.2 Investigating Complaints

2.2.1 During the investigation of a complaint, the person investigating the complaint will:

- i. establish what has happened so far, and who has been involved;
- ii. clarify the nature of the complaint and what remains unresolved;
- iii. meet with the complainant or contact them (if further information is necessary);
- iv. clarify what the complainant feels would put matters right or resolve the issue;
- v. interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- vi. conduct the interview with an open mind and be prepared to persist in the questioning;
- vii. keep notes of the interview.

## 2.3 Resolving Complaints

2.3.1 At each stage in the Procedure an academy will endeavour to resolve the complaint; it may be sufficient to acknowledge that the complaint is valid in whole or in part and in addition, to offer one or more of the following:

- i. an apology;
- ii. an explanation;
- iii. an admission that the situation could have been handled differently or better;
- iv. an assurance that the event complained of will not recur;

- v. an explanation of the steps that have been taken to ensure that it will not happen again;
  - vi. an undertaking to review Policies and Procedures in light of the complaint.
- 2.3.2 Complainants are encouraged to state what actions they feel might resolve the problem at any stage. An admission that an academy could have handled the situation better is not the same as an admission of negligence.
- 2.3.3 Areas of agreement between the parties should be identified. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.
- 2.3.4 If reasonable attempts have been made to accommodate complainants with dates for complaint meetings / hearings and they refuse or unable to attend, meetings / hearing may be convened in the complainant's absence and a conclusion reached in the interests of drawing the complaint to a close.
- 2.3.5 If a complainant wished to withdraw their complaint, an academy will ask the complainant to confirm this in writing.

## 2.4 **Dealing with Initial Concern**

- 2.4.1 The Trust and its academies are clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.
- 2.4.2 The procedures within this document deal primarily with complaints, but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures.
- 2.4.3 The requirement to have a Complaints Policy and Procedure need not in any way undermine efforts to resolve the concern informally. In most cases a teacher, or the individual delivering the service in the case of extended school provision, will receive the first approach. Staff should therefore endeavour to resolve issues on the spot, including apologising where necessary.
- 2.4.4 It is in everyone's interest that concerns are resolved at the earliest possible stage. The experience of the first contact between the complainant and the academy can be crucial in determining whether the complaint will escalate.
- 2.4.5 Concerns should be raised with the particular member of staff involved. If the person raising the concern has difficulty discussing their concerns with that member of staff, the Complaints Coordinator will refer them to another member of staff. Similarly, if the member of staff directly involved feels unable to deal with the concern, the person raising the concern will be referred to another member of staff.
- 2.4.6 The formal Complaints Procedure will be invoked only when initial attempts to resolve a concern are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further and make a formal complaint.

## **4 Procedures for Raising / Dealing with Complaints**

### **3.1 Outline**

- 3.1.1 There are three academy-based stages which are likely to be sufficient for resolving most complaints:
- i. Stage One: informal complaint usually heard by a senior member of staff at a meeting with the complainant.
  - ii. Stage Two: formal complaint put in writing and dealt with by the Principal.
  - iii. Stage Three: complaint heard by members of a Trust Academy Raising Achievement

Board and at least one person who is independent of the management and running of the particular academy from which the complaint arises, sitting as an Appeal Panel.

- 3.1.2 It would be expected that the complainant has sought to resolve the complaint via Stage One prior to proceeding to Stage Two.
- 3.1.3 Each academy has a nominated Complaints Co-ordinator who has responsibility for the operation and management of the Complaints Policy and Procedure. See Appendix 1 for a list of names as to who this is for each academy. The Complaints Co-ordinator will ensure that the complaints procedures are adhered to.
- 3.1.4 Where the complaint concerns the Complaints Co-ordinator, the complaint will be referred to the Principal.
- 3.1.5 Complaints about a Principal will follow the procedure set out in this Policy, but should be referred to the Trust's Executive Principal, who will notify the Trust's Chief Executive.
- 3.1.6 Complaints about the Executive Principal will follow the procedure set out in this Policy, but should be referred to the Chief Executive.
- 3.1.7 Complaints about the Chief Executive will follow the procedure set out in this Policy, but should be referred, to the Chair of the Board of Directors via the Company Secretary.
- 3.1.8 Complaints about Raising Achievement Board Members or Directors or an entire Raising Achievement Board or the Board of Directors will be dealt with under the Trust's Standing Orders. Any such complaints should be referred to the Company Secretary in the first instance.
- 3.1.9 Where the complainant makes a first approach to a Raising Achievement Board Member or a Director, they should be referred to the Complaints Co-ordinator and advised about the Complaints Policy and Procedure.
- 3.1.10 Raising Achievement Board Members or Directors must not:
  - i. act unilaterally to consider an individual complaint outside the formal procedure;
  - ii. be involved at the early stages of the complaint; or
  - iii. discuss the matter with other Raising Achievement Board Members or Directors as they may be required to sit on an Appeal Panel at a later stage of the procedure.

If Raising Achievement Board Members or Directors have any concerns about the procedure to adopt they should seek advice from the Company Secretary.
- 3.1.11 An Appeal Panel hearing is the last academy-based stage of the complaints process and is not convened to merely rubber-stamp previous decisions.
- 3.1.12 All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 162A of the 2002 Act requests access to them. The Complaints Co-ordinator will be responsible for the records and holding them centrally.
- 3.1.13 Complaints need to be considered and resolved as quickly and efficiently as possible; however, where further investigations are necessary, new time limits can be set. In this eventuality the complainant will be sent details of the new deadline and an explanation for the delay.
- 3.1.14 There may be occasions where it is necessary or reasonable to deviate from the Trust's complaints procedure. Any deviation from the published procedure must be documented.

## **4. Complaints Procedure**

### **4.1 Stage One Procedure: Informal Complaint**

- 4.1.1 Any person who has a complaint should contact the appropriate senior member of staff to discuss the nature of the concern. See Appendix 1 for a list of names as to who this is for each academy. If the member of staff cannot deal with the matter immediately he/she should make a clear note of the date, name and contact details of the parent/carer and agree a convenient time to make contact.
- 4.1.2 The member of staff should discuss details of the person's concern and try to identify what action/outcome the complainant is looking for and seek to resolve the matter informally through direct discussion. The member of staff may include a more senior member of staff in the discussions, if this is thought to be appropriate.
- 4.1.3 If no satisfactory solution can be found then the complainant may wish to proceed through the formal complaints procedure.

#### **4.2 Stage Two Procedure: Formal Complaint**

- 4.2.1 Stage Two formal complaints should be made in writing using the academy complaints form (see Appendix 3) and submitted to the person named on the form.
- 4.2.2 Where a formal complaint is made to an academy, the complaint will be referred to the Complaints Co-ordinator. The Complaints Co-ordinator will acknowledge the complaint within three academy days of receipt. The written acknowledgement should give an explanation of the Complaints Policy and Procedure and a target date for providing a response to the complaint, which would normally be within ten academy days. If this proves impossible, a letter will be sent explaining the reason for the delay and giving a revised target.
- 4.2.3 The Principal should consider whether it is appropriate to seek legal advice in relation to the complaint and where appropriate do so through the Trust's legal advisors. In these circumstances, the Principal must immediately inform the Trust's Chief Executive of the detail of the complaint and that legal advice is being sought.
- 4.2.4 In considering the complaint, the Principal should provide an opportunity for the complainant to meet him/her to provide any further information to the complaint. Depending on the nature of the complaint, statements from witnesses may be required. The Principal may delegate the task of collating the information from the complainant and witnesses to another staff member, but must take the decision on the action to be taken as a result. The Trust and its academies respect the views of a complainant who indicates that he/she would have difficulty discussing the detail of the complaint with a particular member of staff. In these cases, the Complaints Co-ordinator can refer the complainant to another member of staff.
- 4.2.5 If the complaint centres on a student, the student may also be interviewed. When students are interviewed in a formal situation, his/her parent/carer ought to be present. If this is not possible, then a member of staff who is known and trusted by the student and in agreement with the student and parent/carer should be invited to attend.
- 4.2.6 At the end of any meeting/conversations with the complainant or witnesses, the member of staff conducting the interview should ensure that the interviewee has the same understanding of what was discussed and agreed. Written records of all meetings and telephone conversations should be recorded, together with any correspondence or other relevant documents. The Complaints Co-ordinator will be responsible for the records and will hold them centrally.
- 4.2.7 When all of the relevant facts have been established, the Principal should produce a written response to the complainant. The written response should include a full explanation of the decision and the reasons for it. Where appropriate, this should include any action the academy will take to resolve the complaint. The complainant should be advised that if they wish to take the matter further, they should notify the Company Secretary, within ten academy days of receiving the outcome letter.

#### **4.3. Stage Three Procedure: Complaint Heard by the Raising Achievement Board Appeal Panel**

- 4.3.1 If a complainant is not satisfied with the outcome of a Stage Two hearing, then they should notify the Company Secretary within ten Academy days of receiving the outcome letter, stating that they are seeking an appeal of the outcomes and the reasons why.

- 4.3.2 The Company Secretary will then convene an Appeal Panel. The Company Secretary will also inform the Chief Executive that an Appeal Panel is to be convened.
- 4.3.3 Members of the Appeal Panel should be independent and impartial and be seen to be so. The Appeal Panel will be made up of three Raising Board Achievement Members, including at least one Member drawn from the academy Raising Achievement Board and who has not been directly involved in the matters detailed in the complaint and at least one Member from another Raising Achievement Board, which is part of the Trust but independent of the management and running of the Academy. The Principal should not be a member of the Panel. The membership of the Appeal Panel, where possible should have regard to the need for ethnic, gender or other mix of members as appropriate.
- 4.3.4 The Panel members need to be aware of the provisions of the Complaints Policy and Procedure.
- 4.3.5 The aim of the meeting should be to resolve the complaint and achieve reconciliation between the Academy and the complainant. It must however be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously and dealt with in accordance with the Complaints Policy and Procedure.
- 4.3.6 Appendix 4 outlines the roles and responsibilities of the Appeal Panel members.

#### 4.4 **Appeal Panel Hearing**

- 4.4.1 Upon receipt of a written request by the complainant for their complaint to proceed to Stage Three, the procedures outlined below should be followed.
- 4.4.2 The Company Secretary will write to the complainant to acknowledge receipt of the written request within three Academy days. The acknowledgement should inform the complainant that the Company Secretary will arrange an Appeal Panel, to hear the complaint within twenty academy days.
- 4.4.3 The Company Secretary will convene a meeting of the Appeal Panel within the agreed timescales. Failure to convene an Appeal Panel within this time will not invalidate the Panel's decision. The Company Secretary is responsible for making all the arrangements for the meeting, including the time and place.
- 4.4.4 Appeal Panels will be convened during usual working hours i.e. 9am - 5pm, unless there is an extraordinary reason why this cannot happen. It will be for the Appeal Hearing Chair to determine what constitutes an extraordinary reason for convening a Panel outside of this time period.
- 4.4.5 The complainant, Principal, any relevant witnesses and members of the Appeal Panel should be informed at least five academy days in advance of the date, time and place of the meeting. The notification to the complainant should also inform him/her of the right to be accompanied at the meeting by a friend/advocate/interpreter. The letter should also explain how the meeting will be conducted.
- 4.4.6 The complainant should be informed of their right to be accompanied to the hearing with a friend or relative.
- 4.4.7 The Principal should be invited to attend the Appeal Panel meeting and to prepare a written report for the Panel in response to the complaint. Any relevant documents, including the Principal's report, and any documentation supplied by the complainant should be received by all concerned, including the complainant, at least five academy days prior to the meeting.
- 4.4.8 The Appeal Panel should elect a Chair for the meeting. The meeting should be appropriately minuted.
- 4.4.9 The Panel should try to ensure that the meeting is not too formal or intimidating for those involved. All should be told the names of everyone present and have the procedure explained to them at the beginning of the meeting.



- 4.4.10 The meeting will be held in private. Electronic recordings of meetings or conversation are not normally permitted unless a complainant's disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.
- 4.4.11 The meeting should allow:
- i. The complainant (or his/her friend/relative) to explain his/her complaint(s) and the Principal to explain the Academy's response.
  - ii. The complainant (or his/her friend/relative) to question the Principal and/or other members of staff about the Academy's response, and the Principal to question the complainant about the complaint.
  - iii. Panel members to have an opportunity to question the complainant, the Principal and any witnesses, as appropriate.
  - iv. Final statements to be made by both the Principal and the complainant (or his/her friend/relative).
- 4.4.12 The Panel should then consider the complaint and all the evidence presented, (without the presence of the complainant, the Principal or any witnesses) and reach a majority decision on the complaint which may include dismissing the complaint in whole or in part or upholding the complaint in whole or in part.
- 4.4.13 The Panel will then decide upon the appropriate action to be taken to resolve the complaint.
- 4.4.14 Where appropriate, the Panel can recommend changes to the Academy's systems or procedures to ensure that problems of a similar nature do not happen again. Recommendations should be reported to the Principal and the Chief Executive at an appropriate time.
- 4.4.15 Where appropriate to do so, the Panel can recommend any other further action.
- 4.4.16 The Clerk to the Appeal Panel should send the complainant and the Principal a written statement outlining the decision of the Panel within five academy days of the meeting. The complainant should be informed of the process of contacting the Education Skills Funding Agency (ESFA) should they feel that the correct procedures for responding to the complaint have not been followed or their rights have been breached.
- 4.4.17 Copies of all correspondence should be kept on file in the Company Secretary's records.

#### 4.5 Further Action

- 4.5.1 Following a decision made by the Appeal Panel, the complainant has no further right of appeal within the academy-based procedures.
- 4.5.2 The complainant may contact the ESFA via the process outlined in the link below, or by making contact with the relevant Academy which will provide the relevant details.
- <http://www.education.gov.uk/aboutdfe/complaintsprocedure/b00212240/making-complaint-school/complaints-free-schools-academies>
- 4.5.3 The ESFA cannot change the decision an Appeal Panel has made about a complaint although it can look at whether an Appeal Panel and the Academy has dealt with complaint in line with legal requirements.
- 4.5.4 If the ESFA upholds a complaint against the Appeal Panel it can do one or both of the following:
- i. ask the Appeal Panel and / or the Academy to reconsider the complaint from an appropriate stage;
  - ii. ask the Trust to change its complaints procedure so that it complies with legal requirements.

## **5. Acceptable Behaviour**

- 5.1 Whilst the Trust recognises that the process of raising a concern or complaint can be very stressful, the Trust will not tolerate aggressive, violent, abusive or anti-social behaviour towards anyone on the academy site. Parents and members of the public are required to behave in a polite and courteous manner.
- 5.2 Academy staff are expected to behave in a courteous and professional manner when dealing with parents and member of the public at all times.
- 5.3 Appendix 5 sets out the Trust's policy in respect of unreasonable complaints and presents a communication plan for persistent correspondents.

## **6. Vexatious or Persistent Complaints**

- 6.1 The characteristics of a vexatious or persistent complaint are:
  - i. those which are obsessive, persistent, harassing, prolific, repetitious;
  - ii. an insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason;
  - iii. an insistence upon pursuing meritorious complaints in an unreasonable manner;
  - iv. those which are designed to cause disruption or annoyance;
  - v. include demands for redress that lack any serious purpose or value.
- 6.2 Academies should do their best to assist people who contact them with a concern, request for information or complaint. In some cases however where an academy is repeatedly contacted by an individual making the same points, or who asks the position to be re-considered academies will need to act appropriately.
- 6.3 If properly followed, the complaints procedure will limit the number of complaints that become protracted; however, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied.
- 6.4 Academies should not refuse to accept further correspondence or complaints from an individual they had repeat or excessive contact with. The application of a serial or persistent marking should be made against the subject of the complaint itself, rather than the complainant.
- 6.5 If the complainant tries to reopen the same issue, the Chair of the Appeal Panel will be able to inform them, in writing, that the procedure has been exhausted and that the matter is now closed.

## **7. Raising Achievement Boards - Complaints Monitoring**

- 7.1 Raising Achievement Boards will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with Raising Achievement Boards will not name individuals.
- 7.2 As well as addressing an individual's complaint, the process of listening to and resolving complaints will contribute to academy improvement. When individual complaints are heard, the academy will identify any underlying issues that need to be addressed.

## **8. Publicising the Procedure**

- 8.1 Details of the Complaints Policy and Procedure are included in:

- i. the information given to new parents/carers when their children join an academy;
- ii. academy and Trust website;
- iii. academy prospectus.

## **9. Policy Approval and Review**

- 9.1 This Policy will be reviewed every three years and updated, as applicable, to ensure that it remains appropriate in the light of any relevant changes to the law, organisational policies or contractual obligations.
- 9.2 Any amendments to the Policy will require the approval of the Board, unless those amendments are provided for by statute or regulation, in which case such changes will be made and notified to the Board without delay.

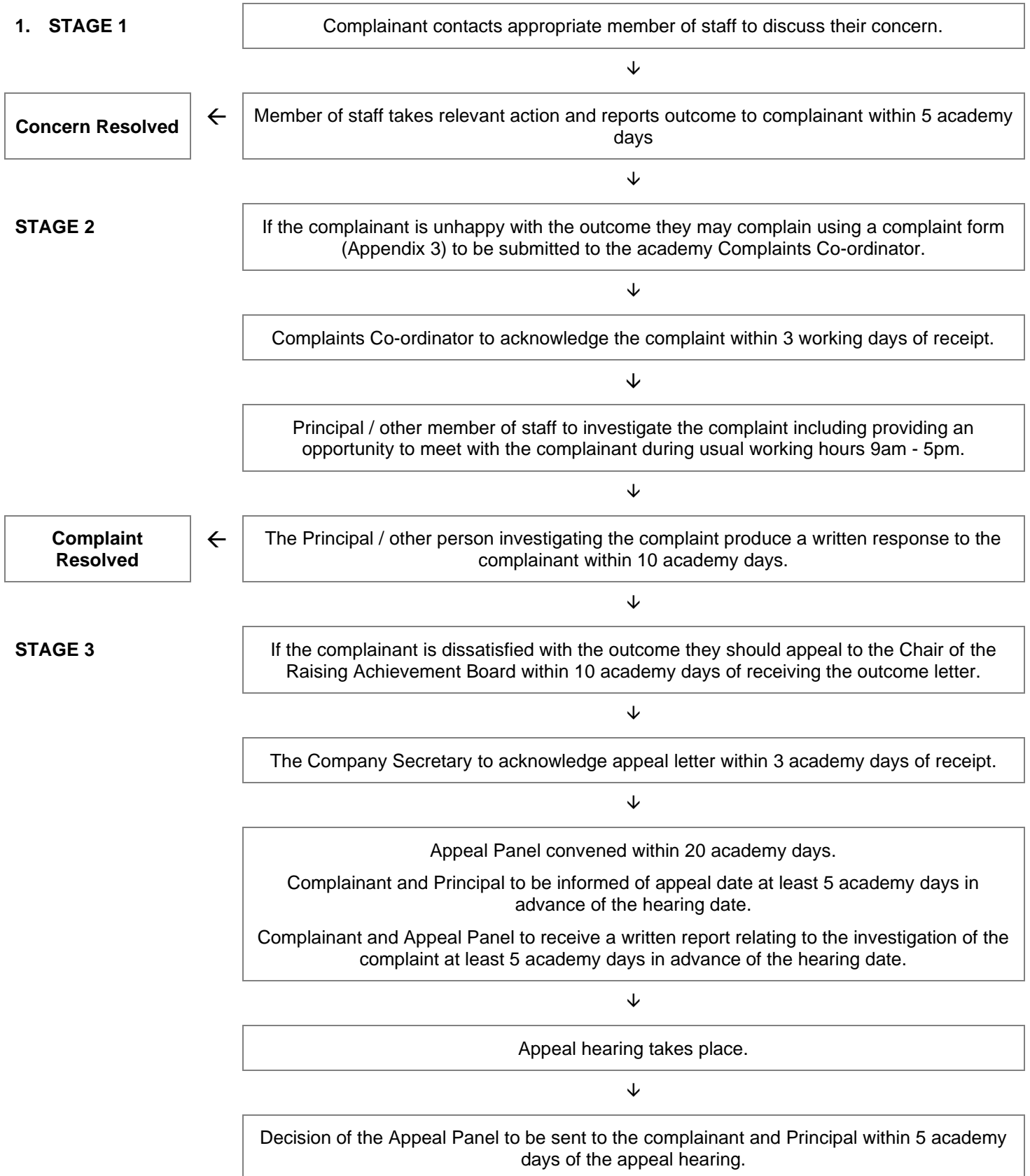
## Appendix 1

### Individuals with Responsibilities in Relation to this Policy and Procedure

<b>First contact for dealing with concerns</b>	The Nuneaton Academy	
	Hartshill School	
	The George Eliot School	
	Heath Lane Academy	
<b>Complaints Co-ordinator</b>	The Nuneaton Academy	
	Hartshill School	
	The George Eliot School	
	Heath Lane Academy	
<b>Chair of Raising Achievement Board</b>	The Nuneaton Academy and Heath Lane Academy	Ms A Melville c/o <a href="mailto:rachel.marshall@nwslc.ac.uk">rachel.marshall@nwslc.ac.uk</a>
	The George Eliot School and Hartshill School	Mr T Render c/o <a href="mailto:rachel.marshall@nwslc.ac.uk">rachel.marshall@nwslc.ac.uk</a>
<b>Chair of the Midland Academies Trust</b>		Mr I Dunn c/o <a href="mailto:rachel.marshall@nwsl.ac.uk">rachel.marshall@nwsl.ac.uk</a>
<b>Chief Executive of the Midland Academies Trust</b>		Mrs M Plant OBE <a href="mailto:marion.plant@nwsl.ac.uk">marion.plant@nwsl.ac.uk</a>
<b>Company Secretary</b>		Mrs R Marshall <a href="mailto:rachel.marshall@nwslc.ac.uk">rachel.marshall@nwslc.ac.uk</a>

## Appendix 2

### Complaints Procedure - Flow Chart



## **Appendix 3**

### **Complaint Form**

Please complete and return to .....  
(the Complaints Co-ordinator) who will acknowledge receipt and explain what action will be taken.

**Your name:**

**Student's name:**

**Your relationship to the student:**

**Address:**

**Postcode:**

**Day time telephone number:**

**Evening telephone number:**

**Please give details of your complaint.**

### Appendix 3

**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 who:**

**Complaint referred to:**

**Date:**

## **Appendix 4**

### **The Appeal Panel - Roles and Responsibilities**

#### **1. The Role of the Chair of the Academy Raising Achievement Board**

The Chair will:

- i. when notified of a complaint, check that the correct procedure has been followed;
- ii. if a hearing is appropriate, ask the Company Secretary to arrange the Panel;
- iii. inform the Trust Chief Executive that the complaint is progressing to an Appeal Panel

#### **2. The Role of the Company Secretary**

The Appeal Panel will be clerked by the Company Secretary. The Company Secretary will be the contact point for the complainant and be required to:

- i. set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- ii. send any written material to the Panel and the parties in advance of the hearing;
- iii. meet and welcome the parties as they arrive at the hearing;
- iv. record the proceedings;
- v. notify all parties of the Panel's decision.

#### **3. The Role of the Appeal Panel Chair**

The Appeal Panel Chair has a key role to ensure that:

- i. the remit of the Panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- ii. the issues are addressed;
- iii. key findings of fact are made;
- iv. parent/carers and others who may not be used to speaking at such a hearing are put at ease;
- v. the layout of the room is such that the setting is informal and not adversarial;
- vi. the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- vii. the Panel is open minded and acts independently;
- viii. no member of the Panel has an interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- ix. each side is given the opportunity to state their case and ask questions;
- x. written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

#### **3. Conducting a Panel Hearing**

The Panel should take account of the following points:

- i. The hearing is to be as informal as possible.
- ii. The Panel should make allowances for a parent to attend and be accompanied at the Panel hearing if they wish. An effective Panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that



## Appendix 4

affects their child. The Panel Chair will ensure that the proceedings are as welcoming as possible.

- iii. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The Panel needs to be aware of the views of the child and give them equal consideration to those of the adults involved. Where the child's parent/carer is the complainant, it would be helpful to give the parent/carer the opportunity to say which parts of the hearing, if any, the child needs to attend.
- iv. Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- v. After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- vi. The Principal may question both the complainant and the witnesses after each has spoken.
- vii. The Principal will then be invited to explain the academy's actions and call witnesses on behalf of the academy.
- viii. The complainant may question both the Principal and the witnesses after each has spoken.
- ix. The Appeal Panel may ask questions at any point.
- x. The complainant is then invited to sum up their complaint.
- xi. The Principal is then invited to sum up the academy's actions and respond to the complaint.
- xii. The Chair will then explain that both sides will hear from the Panel within a set time scale.
- xiii. Both sides will leave together to enable the Panel to decide on the issues, the Clerk will remain with the Panel.

## Appendix 5

### Policy for Unreasonable Complaints

1. The Trust is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. Normally the contact complainants have with academies is not limited; however, the Trust does not expect its staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.
2. The Trust 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'.
3. A complaint may be regarded as unreasonable when the person making the complaint:-
  - i. refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
  - ii. refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
  - iii. refuses to accept that certain issues are not within the scope of a complaints procedure;
  - iv. insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
  - v. 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;
  - vi. makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
  - vii. changes the basis of the complaint as the investigation proceeds;
  - viii. repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
  - ix. 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;
  - x. seeks an unrealistic outcome;
  - xi. 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.
4. 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:
  - i. maliciously;
  - ii. aggressively;
  - iii. using threats, intimidation or violence;
  - iv. using abusive, offensive or discriminatory language;
  - v. knowing it to be false;
  - vi. using falsified information;
  - vii. publishing unacceptable information in a variety of media such as in social media websites and newspapers.
5. Complainants should limit the numbers of communications with an academy 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.
6. Whenever possible, the Principal 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 asking them to change it. For

## Appendix 5

complainants who excessively contact an Academy causing a significant level of disruption, the Trust may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

7. A decision to stop responding should never be taken lightly. A Principal should be able to answer “yes” to all of the following points:
  - i. Every reasonable step to address the complainant’s concerns have been taken.
  - ii. The complainant has been given a clear statement of the academy’s position and their options.
  - iii. The complainant makes repeat red contact, making substantially the same points each time.

The case to stop responding is stronger if one or more of the following descriptions has occurred:

- i. The complainant’s letters, emails or telephone calls are often or always abusive or aggressive;
- ii. The complainant makes insulting personal comments about or threats toward staff.
- iii. There is reason to believe that the complainant is contacting the academy with the intention of causing disruption or inconvenience.

A Principals should not stop responding just because an individual is ‘difficult’ to deal with or asks complex questions

8. If a decision is taken that it is appropriate for the academy to stop responding (following advice from the Executive Principal), the individual will need to be informed.
9. 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 an Academy.

## Communication Plan for Persistent Correspondents

1. If an individual’s behaviour is causing a significant level of disruption, regardless of whether or not they have raised a complaint, academies should implement a tailored communication strategy. This may include:
  - i. restricting the individual to a single point of contact via an email address;
  - ii. limiting the number of times they can make contact, such as a fixed number of contacts per term;
  - iii. suggesting that the complainant asks a third party to act on their behalf, such as the local Citizen’s Advice Bureau.
2. Principals should note that regardless of the application of any communication strategy, they must provide parents and carers with the information they are entitled to under The Education (Independent School Standards) Regulations 2014, within the statutory time frame.
3. Principals need to make sure they act reasonably and consider any new complaint. Anyone has the right to raise a new complaint at any time and failure to respond could result in the academy failing to act reasonably.
4. If an individual persists to the point that may constitute harassment, Principal could seek legal advice. In some cases, injunctions and other court orders have been issued to individuals preventing them from contacting schools direct.