



Ethos Statement

This policy reflects our Academy's ethos, which promotes, recognises, celebrates and welcomes diversity, tolerance, respect and honesty. This policy ensures fairness and equality, regardless of age, disability, religion, gender, sexual orientation, ethnicity, attainment or background.

1. Purpose of the Complaints Procedure

Roseacre Primary Academy endeavours to provide the best education possible for all of its pupils in an open and transparent environment. All feedback we receive from parents, pupils and third parties is welcomed, and we accept that not all of this will be positive. Where concerns are raised, the Academy intends for these to be dealt with fairly, openly, promptly and without prejudice.

2. Introduction and Scope of the Procedure

The policy of the academy is to work in partnership with parents and the wider community. It is based on the belief that co-operation and a sense of joint purpose between staff, parents and the Academy will assist in ensuring open and positive relationships. From time to time, however, parents and members of the public may express concern or make a complaint, either orally or in writing, about some aspect of the operation of the Academy, the conduct of the Headteacher, an individual member of staff, the Governing Body or an individual governor.

2.1 This procedure addresses all matters relating to the actions of staff employed by the Academy and the application of Academy procedures where they affect individual pupils and that fall outside the scope of the following procedures:

- Complaints that have an alternative statutory avenue of appeal or complaint e.g. admissions, exclusions, statutory assessments of SEND.
- Serious complaints concerning staff members, which must be addressed through specific employment procedures, e.g. allegations of professional abuse, criminal offences or those that are potentially staff disciplinary issues.
- **Whistleblowing** – the Academy has an internal procedure for employees and volunteers. Ofsted may be contacted by email (whistleblowing@ofsted.gov.uk), by telephone (0300 123 3155) or in writing (WBHL, Ofsted, Piccadilly Gate, Store Street, Manchester. M1 2WD).
- **Exclusions** – however, parents and carers may use the procedures to raise concerns about the process followed by the Academy when issuing permanent exclusions and fixed-term exclusions of more than 5 days in a given term.

Complaints Procedure 2017-2019

ROSEACRE PRIMARY ACADEMY

- **Safeguarding** – academies have a duty to safeguard and promote the welfare of their children under section 175 of the Education Act 2002. This includes making referrals to the appropriate organisation, usually Local Authority Children’s Social Care Services if they have a concern about the welfare of a child. It is not for the academy to investigate or make a judgment about possible abuse or neglect, but they must refer any concerns they may have to the appropriate organisation. As such, complaints about safeguarding referrals made in accordance with a statutory duty cannot be considered under this procedure.
- **Allegations of abuse** – allegations of abuse or inappropriate conduct involving a member of academy staff must be reported to the Headteacher immediately. Allegations of abuse against the Headteacher must be reported to the Chair of Governors immediately. In all cases the matter must be managed under the appropriate procedure: *Allegations Against Staff* with due regard to the DfE publications: *Keeping Children Safe in Education 2015* and *Working Together to Safeguard Children 2015*.
- Complaints about services provided by external bodies using the Academy’s facilities – providers should be contacted directly and have their own procedures for such eventualities.
- Serious complaints or allegations relating to assault, criminal or financial matters are subject to separate procedures. (See Section 12)

2.2 The academy will always give serious consideration to concerns and complaints that are brought to its attention; however, anonymous complaints will not be investigated under this procedure unless there are exceptional circumstances. In considering concerns or complaints, the academy will ensure that they are dealt with effectively and with fairness to all parties. Where possible, complaints will be resolved informally. Where a complaint has not been resolved informally, then the formal procedures set out in section 9.2 will be followed.

2.3 If at any stage in the procedure it becomes apparent that the complaint falls outside the remit of these procedures, the complainant will be informed. If appropriate, this Complaints Procedure will be set aside in favour of the agreed procedure such as Child Protection, Special Educational Needs and Disabilities, Admissions, Exclusions, Staff Grievance or Disciplinary.

2.4 Time limits will apply and to enable a full and effective 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, will not be considered.

3. **In Operating this Complaints Procedure we will:**

- encourage resolution of problems by informal means, wherever possible;
- allow swift handling of a complaint, within established time limits for action, and keep the complainant(s) informed of progress;
- ensure a full and fair consideration of the complaint;

- have due regard for the rights and responsibilities of all parties involved;
- respect confidentiality;
- address all the points at issue;
- provide an effective response and appropriate redress, where necessary;
- provide information to the Academy's Senior Management Team and Board of Governors so that services can be improved.

4. **Rights and Responsibilities of a Complainant**

4.1 Your rights, as the person making a complaint, are that you will receive:

- fair treatment;
- courtesy;
- a timely response;
- accurate advice;
- respect for privacy;
- the reason for the decision made.

Complaints will be treated as confidentially as possible, allowing for the possibility that we may have to consult with other appropriate parties about your complaint.

Where a complaint is upheld we will acknowledge this and address the complaint raised. If, after consideration, it is judged there are no grounds for your complaint, you will be advised accordingly.

4.2 Your responsibilities, as the person making a complaint, are that we would expect you to:

- raise issues in a timely manner;
- treat our staff with respect and courtesy;
- provide accurate and concise information in relation to the issues you raise;
- use these procedures fully and engage in them at the appropriate levels.

4.3 Rights of parties involved during the consideration

The process is non-adversarial and does not provide a role for any other statutory or non-statutory body to be involved.

5. **What is a complaint?**

A complaint is defined as a formal expression of dissatisfaction towards the academy, a member of staff, an individual governor or the governing board regarding the:

- operation of the academy;
- conduct or actions;
- lack of actions;
- unacceptable delay in dealing with a matter;

Complaints Procedure 2017-2019

ROSEACRE PRIMARY ACADEMY

- perceived unreasonable treatment of a child or other person.

The use of the word 'complaint' is restricted to situations that are being investigated formally.

6. Raising a Concern or Making a Complaint

If you need to raise a concern, in the first instance, please do so with the relevant member of staff identified below who will be happy to talk to you and seek to establish a solution.

If you wish to raise a concern about:	You should contact:
Homework, classroom provision, the application of rules and sanctions, friendship issues or any 'general' classroom issues	Your child's class teacher.
Allegations of bullying or intimidation	Mr Hickey, Senior Deputy Headteacher.
Cyber-bullying or social media issues involving Roseacre children	Mr Hickey, Senior Deputy Headteacher.
Breakfast or After School Care Club	Mrs Boden, Engagement Manager
Lunchtime Supervision	Ms Logan, Deputy Headteacher
Something that has happened or failed to happen in the academy	Mrs Carroll, Headteacher
Subsequent or unresolved complaints about any of the above	Mrs Carroll, Headteacher
The actions of the Headteacher	The Chair of Governors, via the academy office
The actions of an academy governor	The Chair of Governors, via the academy office
The Chair of Governors	Governors Services, Blackpool
The actions of the Governing Board (as a whole)	Governors Services, Blackpool

Please telephone the academy (01253 319000) if you wish to make an appointment to meet with a member of staff. When phoning, please ensure that you know your child's class and the name of the teacher.

The academy and Governing Board would, in most cases, hope to resolve concerns at an informal stage. If you are not satisfied with this response and believe the issue has not been resolved, the procedures allow for formal consideration of a complaint and an appeal stage.

The academy is committed to addressing concerns or complaints as speedily as possible and would plan to complete each stage within twenty academy days. From time to time, it may not be possible

to complete the process in that timescale. Where that is not possible, the complainant will be informed of any delays.

Where complaints are made against an individual member of academy staff, that person will be informed of the complaint at the earliest opportunity.

8. Social Media

In order for concerns or complaints to be resolved as quickly and fairly as possible, the Academy requests the complainants do not discuss them publically via social media.

9. The Complaints Procedure

In dealing with any concern or complaint, the academy will take account of its public sector equality duty and have due regard of the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct prohibited by or under the Equality Act 2010.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.1 The Informal Stage

Please note that the informal stage will never be used for allegation/complaints about:

- criminal activity that may require the involvement of the police;
- financial or accounting irregularities;
- abuse of children.

The Academy encourages parents and carers to seek to resolve any concerns informally, through discussion with the member of staff concerned. If this is not possible, a member of SMT (or Chair of Governors) will then seek to resolve the matter informally on behalf of the complainant and will:

- make enquiries to establish the facts;
- attempt to resolve the matter informally;
- establish whether or not the complainant is satisfied;
- make a notes of the complaint, any meetings held, telephone conversations and the outcome;
- advise complainants of the next stages if they wish to proceed to a formal consideration of the complaint.

In the case of a concern of a serious nature, it may be appropriate to address this directly to the Headteacher (or Chair of Governors if the concern or complaint is about the Headteacher).

ROSEACRE PRIMARY ACADEMY

The Informal Stage would normally be completed in twenty academy days. If the concern remains unresolved and complainant wishes to proceed to the formal stage of the procedure, the matter should be formally brought to the attention of the Headteacher (or Chair of Governors if the complaint is about the Headteacher) within twenty academy days of being notified of the outcome of the informal stage.

9.2 Formal stage

A Formal Complaint Form (Appendix A) has been provided to assist complainants when putting concerns in writing. The letter/form should include:

- an overview of the complaint so far;
- details that might assist the investigation, such as: names of potential witnesses, dates and times of events and copies of relevant documents;
- why the complaint remains unresolved;
- a clear statement of the actions that the complainant would like the Academy to take to resolve the concern or complaint (without this, it is very difficult to proceed).

The completed form/letter should be passed, in a sealed envelope, to the Academy office. The envelope should be addressed to the Headteacher (or the Chair of Governors if the complaint is about the Headteacher).

It is possible that the complaint will be resolved through a meeting with the Headteacher (or Chair). If not, arrangements will be made for the matter to be fully investigated, using the appropriate procedure.

The complaint will be formally acknowledged, usually within five days of the Academy receiving the formal complaint. At this time, an indication of how the Academy intends to proceed, and the anticipated timescale, will be given.

Any investigation will begin as soon as possible and the complainant will be informed, in writing, of its conclusion.

9.3 Appeals stage

If the complainant is dissatisfied with the manner in which the process has been followed, the governing body can be requested to review the process followed when handling the complaint. Any such request should be submitted in line with the Academy's Appeals Procedure.

9.4 Further stages

If, after following all stages of this complaints procedure the complainant does not think that their complaint has been resolved, they can contact the Education Funding Agency (EFA).

ROSEACRE PRIMARY ACADEMY

Contact details: by post to Academies Central Unit (Academy Complaints), Education Funding Agency, Earlsdon Park, 53-55 Butts Road, Coventry, CV1 3BH. By email to academy.questions@education.gsi.gov.uk.

The (EFA) will normally only consider a complaint about an Academy after the Academy's own complaints procedure has been exhausted. The EFA cannot review or overturn decisions about complaints made in respect of Academies; the EFA can only investigate whether the Academy considered the complaint appropriately. If the EFA finds that an Academy did not consider a complaint appropriately, it can request the Academy to re-consider the complaint or amend its complaints procedure.

Records of all conversations and meetings with parents to resolve complaints will be kept. At a Governors' Complaints Panel meeting, minutes will be taken. To help prevent recurring complaints, copies of correspondence and notes will be kept on file in the academy's records, but will be held separate from individual pupil records.

10. Withdrawal of Complaints

Complaints may be withdrawn at any stage by the complainant by giving notice in writing.

11. Complaints that result in Staff Capability or Disciplinary

If, at any formal stage of the complaint, it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the Headteacher and/or the individual's line manager. The complainant is entitled to be informed that the matter has managed in line with procedure but they are not entitled to participate in any disciplinary/capability proceedings and will not receive any detail about them or the outcome.

12. Serious Allegations or Complaints

If the allegations refer to criminal activity that may require the involvement of the Police, the Headteacher will inform the Chair of Governors and seek appropriate advice.

If the allegations relate to financial or accounting irregularities involving misuse of public funds or assets or any circumstances, which may suggest irregularities affecting cash, stores, property, remuneration or allowances, the Headteacher will inform the Chair of Governors and seek the advice of the Academy's auditors.

If the allegations relate to the abuse of children, the Headteacher will seek the advice of the Local Authority Designated Officer (LADO). Serious allegations of this nature **must** be referred under Child Protection Procedures.

13. Unreasonable Complaints and Serial or Persistent Complainants

Roseacre Primary Academy is committed to dealing with all complaints fairly and impartially, and will always seek to resolve matters amicably. 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 take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

In the context of Freedom of Information requests, the term 'vexatious' is defined as the 'manifestly unjustified, inappropriate or improper use of a formal procedure'. In the context of our Complaints Procedure, we use the same criteria to determine whether a complaint is unreasonable or not.

13.1 What is a 'manifestly unjustified, inappropriate or improper use of a formal procedure'?

It is where:

- all reasonable steps have been taken to address matters;
- a clear statement has been provided of the Academy's position;
- the academy is being repeatedly contacted with the same points being raised;
- the Academy has reasonable grounds for believing that the intention is to cause inconvenience;
- communications are aggressive in tone or content; abusive, derogatory and/or threatening comments are made.

13.2 Serial or persistent complainants are defined 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'. A complaint may be regarded as unreasonable, and the complainant serial or persistent, if they:

- refuse to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuse to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuse to accept that certain issues are not within the scope of a complaints procedure;
- insist on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduce 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;
- make unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- change the basis of the complaint as the investigation proceeds;
- repeatedly make the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);

Complaints Procedure 2017-2019

ROSEACRE PRIMARY ACADEMY

- refuse to accept the findings of the investigation into a complaint where the Academy's complaint procedure has been fully and properly implemented;
- seek an unrealistic outcome;
- make excessive demands on Academy time by frequent, lengthy, complicated and/or stressful contact with staff regarding the complaint, either in person, in writing, by email or by telephone, while the complaint is being dealt with.

13.3 A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone, in writing or electronically:

- maliciously;
- aggressively, in tone or content;
- using threats, intimidation or violence;
- using abusive, offensive, derogatory 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.

13.4 Where the Headteacher and/or Chair of Governors, judges a complaint unreasonable, or a complainant to be serial or persistent (having considered all the relevant circumstances), appropriate action will be taken, which may include rejecting the complaint and/or restricting contact between the complainant and the Academy.

The Headteacher or Chair of Governors, as appropriate, will write to the complainant and explain this decision, the reasons for it and what action will follow.

14. Retention

The complaint investigator/ the Chair of the Complaint Appeal Panel will ensure that a copy of all relevant information relating to the complaint is kept at the Academy in a secure, confidential file, separate from staff and pupil records. This information should be retained for six years from the date of the complaint, in line with guidance from the Information and Records Management Society (www.irms.org.uk) and in accordance with the principles of the Data Protection Act 1998. The complainant will be informed that this will be done.

15. Success Criteria and Review

For this policy to be successful:

- The majority of complaints will be resolved informally.
- Where they are managed formally, complaints will be resolved to the satisfaction of the complainant.

Complaints Procedure 2017-2019

ROSEACRE PRIMARY ACADEMY

- Where complaints remain unresolved, the complainant will be signposted to the academy appeals procedure.

These procedures will be shared with parents and carers on the Academy website, with staff on the shared drive and with governors through 'Governors' Virtual Office'.

These procedures have been reviewed and adopted by the academy in summer term 2017.

They will be subject to further review in summer term 2019.

Complaints Procedure 2017-2019

ROSEACRE PRIMARY ACADEMY

Formal Complaint Form (Appendix A)

Name of Complainant	
Name of pupil, year group and your relationship to them (where applicable)	
Contact address	
Contact telephone	
Contact email address	
Details of the complaint (please include names of witnesses and dates and times of events)	
Action taken (including staff member who has dealt with it so far) or solutions offered	
The reason that this was not a satisfactory resolution for you	
What action would you like to be taken to resolve the problem?	

Signed:

Date:

Office Use
Date received: _____ Signed: _____