



Bexhill
Academy

BEXHILL ACADEMY COMPLAINTS POLICY

(This policy informs the Complaints Procedure)

Updated July 2018

Next Review July 2019

Bexhill High Academy will acknowledge complaints, deal with them effectively and aim to resolve issues swiftly.

The academy will aim to:

- Take all concerns and complaints seriously
- Make every effort to deal with complaints informally and at an early stage in a spirit of partnership. The aim should be to identify areas of agreement between the parties. It is also equally important to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.
- Apologise wherever appropriate. While the Academy will always make every effort to ensure every situation is dealt with correctly, it will always be open to improving its approaches and procedures, and will acknowledge situations where any improvement might have been applied.
- Deal with complaints in an impartial and non-adversarial manner. As far as possible deal with complaints in such a way as to resolve the issue, maintaining the best interests of the student or students involved (where that is applicable).
- Make available a written complaints procedure for all parents and prospective parents which is easily accessible and simple to understand and use. The complaints procedure will be published on the web site.
- Ensure a full and fair investigation is undertaken normally by a person who has not been directly involved in the matter.
- Respect people's desire for confidentiality.
- Use the outcome of a complaint to reflect on the services provided by the academy so that they can be improved.

Roles and Responsibilities

All staff have a responsibility to ensure that complaints are dealt with under the terms of this policy. To that end, staff should be made aware of the procedures so that they know what to do if they receive a complaint.

As part of their role, the Complaints Co-ordinator should be required to prepare an annual report for the Academy Trust Board.

The Principal has overall responsibility for the management of complaints and, together with the Academy Trust Board, responsibility for the publication and implementation of the formal complaints procedure.

Implementation and Procedures

The academy has a written formal complaints procedure which is readily available to parents of students and prospective students of the academy.

The procedure for each stage states exactly who will be involved, what will happen and how long it will take. There may, on occasion, be the need for some flexibility in the application of the procedure; for example, the possibility of further meetings between the complainant and member of staff directly involved, and further investigations may be required by the Principal after a meeting with the complainant. The academy will nominate a member of staff to have responsibility for the operation and management of the complaints procedure. This person is referred to as the 'Complaints Co-ordinator'.

The complaints procedure will:

- Explain how a concern or a complaint can be made and to whom;
- Set out the importance of being able to deal with concerns at an early stage and using informal processes;
- Set out clearly the stages to be used in dealing with a complaint and the way the complaint will be investigated and recorded;
- Set out clear timetables for the management of the complaint.

At each stage in the procedure the academy will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of should not recur;
- an explanation of the steps that have been taken to ensure that it should not happen again;
- an undertaking to review policies in light of the complaint.

Complaints need to be considered and resolved as quickly and efficiently as possible and would normally be resolved through informal means.

If however a complaint cannot be resolved using informal means then the formal complaints procedures will apply. The formal complaints procedure will set realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline.

The formal complaints procedure will be publicised on the academy web-site.

Recording and Record Keeping

An informal concern/ complaint may be made in person, by telephone, by email or in writing. However a formal complaint must be made in writing on the appropriate pro-forma attached to the complaints procedures document.

The Complaints Co-ordinator is responsible for maintaining all records and holding them centrally. The Complaints Co-ordinator will prepare a brief annual report for the Academy Trust Board stating the number of complaints received, their nature and outcome.

Records will be archived for 1 year, and for longer in exceptional circumstances.

Appeals

The appeals process is stage 3 of the formal complaints procedure. The decision of the Appeals Panel is final.

There may be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Academy Trust Board Chair should inform him/her in writing that the procedure has been exhausted and that the matter is now closed.

The complaints procedure cannot be used to replace, or in addition to, other appeals processes where those exist.

Dealing with Complaints and School Improvement

The process of listening to and resolving complaints should contribute to academy improvement. When individual complaints are heard, the academy may identify underlying issues that need to be addressed. The monitoring and review of complaints by the senior team and Academy Trust Board can be a useful tool in evaluating academy performance.

Complaints Coordinator from September 2018 – Ms Jill Hunt HR Manager Bexhill Academy.

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COMPLAINTS PROCEDURE

Updated July 2018

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Complaints Procedure

Informal Resolution

It is recognised that parents will, from time to time, have normal and legitimate concerns about the progress, achievement, behaviour or welfare of their son or daughter. Parents are encouraged to make those concerns known to staff so that they can be addressed in partnership with the academy. Almost invariably, the sooner such concerns are raised the easier it is for an appropriate resolution to be found.

A concern or complaint may be raised with any member of staff. This would normally be your child's Mentor, Pastoral Manager or Head of School. That person will try and resolve the matter or will refer you to the appropriate person.

The member of staff will make a written record of all concerns and complaints and the date on which they were received. If the matter cannot be resolved within a timely fashion, you will be advised to proceed to make a formal complaint to the Complaints Co-ordinator, Ms Jill Hunt. If the complaint concerns the Associate Principal, the Complaints Co-ordinator would normally refer you to the CEO or Chair of the Academy Trust Board.

Stage One: Complaint Heard by a Staff Member and a member of the Senior Leadership team.

If you make a formal complaint it should be in writing on the complaints proforma attached (Appendix 1) and sent to the Complaints Co-ordinator (Ms Jill Hunt). If you have difficulty in putting your complaint in writing, you are asked to make an appointment with the Complaints Co-ordinator who will help you do that.

The Complaints Co-ordinator will inform you of the best member of SLT to hear the complaint. It would be helpful if you could indicate if there is someone with whom you might have difficulty discussing the complaint so that your views can be respected. Similarly, if the member of staff directly involved feels too compromised to deal with the complaint, the Complaints Co-ordinator may consider referring you to another staff member.

In most instances, there will need to be an investigation in order to understand the circumstances surrounding the complaint.

If the matter cannot be resolved within 10 school days following receipt of the written complaint, you will be advised to take your complaint to the second stage of this procedure.

You will receive a copy of this written record within a reasonable time following this process.

Stage Two: Complaint Heard by the Associate Principal

If the complaint cannot be resolved at Stage 1 you may take your complaint to the second stage of this procedure.

You should put your complaint in writing to the Associate Principal. Again, if you have difficulty in doing that, you are asked to seek assistance from the Complaints Co-ordinator.

The Associate Principal may delegate the task of collating the information to another staff member, but will not delegate the decision on the action to be taken. The Associate Principal will decide whether it would be helpful to meet with you to discuss your complaint.

The decision in respect of this complaint will normally be made within 10 school days of the Associate Principal receiving the complaint. If the Associate Principal feels that it is necessary, within reason, to ask for additional time, you will be informed.

Stage Three: The Appeals Procedure

The third stage of the formal complaints procedure is the Academy Trust Board Appeals Panel. The appeals procedure is invoked when the complaint has not been resolved at stage two of the procedure.

The complainant is required to put their complaint in writing to the Chairman or to the Complaints Co-ordinator marked for the Chair. It is important that the complainant should set the matter out in sufficient detail.

On receiving a written complaint under the appeals procedure, a hearing by an Appeals Panel will be arranged within 20 working days.

The complainant may attend the hearing in person and may be accompanied if they so wish; in which case they are required to notify the clerk of the name and occupation of such a person.

The Composition of the Appeals Panel

The panel would normally consist of two to three people, at least one of whom will be independent of the academy. The panel may choose their own chair.

Care must be taken not to involve the whole Academy Trust Board as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

It is important that the appeal hearing is as independent and impartial as possible and that it is seen to be so. No governor may sit on the panel if they have had prior involvement in the complaint or in the circumstances surrounding it. In deciding the composition of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.

The Role of the Appeals Panel

The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the academy and the complainant. However, it has to be recognised 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 that will satisfy the complainant that his or her complaint has been taken seriously.

The panel chair will ensure that the proceedings are as welcoming as possible. Care is needed to ensure the setting is informal and not adversarial. Extra care needs to be taken when the complainant is a child.

Outcomes:- The panel may:

- a) dismiss the complaint in whole or in part;
- b) uphold the complaint in whole or in part;
- c) decide on the appropriate action to be taken to resolve the complaint;

- d) recommend changes to the academy's systems or procedures to ensure that problems of a similar nature do not recur.

Roles and Responsibilities

1. A clerk will be appointed who would be the contact point for the complainant and be required to:
 - a) set the date, time and venue of the hearing, ensuring that the dates are convenient or acceptable to all parties and that the venue and proceedings are accessible;
 - b) invite both the complainant and the Associate Principal to put their position in writing for the panel to consider;
 - c) collate any written material and send it to the parties in advance of the hearing;
 - d) record the proceedings;
 - e) notify all parties of the panel's decision.
2. The Chair of the panel has a key role, ensuring that:
 - a) the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
 - b) written material is seen by all parties;
 - c) key findings of fact are made and each side is given the opportunity to state their case and ask questions;
 - d) the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
 - e) the panel is open minded and acting independently.

Notification of the Panel's Findings and Recommendations

1. The Chair of the panel needs to ensure that the Academy Trust Board, the Associate Principal and the complainant are notified of the panel's findings and recommendations, in writing, with the panel's response within 10 working days of the hearing.
2. The decision of the Appeals Panel is final.

NB If a complainant believes that the Governing Body has acted illegally or arbitrarily in handling the complaint, then the complainant may make representations to the Secretary of State for Education.

Complaints about the Associate Principal

Where a complaint regards the Associate Principal, you should first directly approach the Associate Principal in an attempt to resolve the issue informally. If you are not satisfied with the outcome you should notify the clerk to the governors (see contact details at the end of the document). The Stage 2 process will then commence, but with the Chair of the Trust Board rather than the Associate Principal as the individual responsible for the investigation.

Persistent Complaints

Where a complainant raises an issue that has already been dealt with via the academy's complaints procedure, and that procedure has been exhausted, the academy will not reinvestigate the complaint.

There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. While it is important for schools and academies to recognise when they have done everything they can in response to a complaint it is a poor use of schools' and academies' time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of the Trust Board can inform them that the procedure has been completed and that the matter is now closed.

Unreasonable Complaints

Bexhill Academy is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the academy. However, we do not expect staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour including that which is abusive, offensive or threatening.

Bexhill Academy defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the academy, require an allocation of academy resources which hinder the ability of the academy to deliver its core purpose of educating young people.'*

A complaint may be regarded as unreasonable when the person making the complaint:-

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- insists the complaint be dealt with in ways which are incompatible with the adopted complaints procedure;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the academy's complaint procedure has been fully and properly implemented and completed.
- seeks unrealistic outcomes;
- makes excessive demands on school time by frequent, lengthy, complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

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

- maliciously;
- aggressively;
- using threats, intimidation or violence;

- using abusive language, offensive or discriminatory language;
- knowing it to be false;
- publishing unacceptable information in a variety of media such as in social media, websites and newspapers.

Whenever possible, the Associate Principal or Chair of the Trust Board will discuss any concerns with the complainant informally before applying an 'unreasonable' / 'malicious' marking.

If the behaviour continues the Associate Principal will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. If the behaviour/actions of the complainant do not change, a complaint that the academy has reasonable cause to identify as being either unreasonable or malicious, will not be investigated and the complainant will be advised that the matter is closed.

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

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning the individual from Bexhill Academy premises.

Clerk to the Trust Board - Susan Foley - Address:- The Manor House Gills Green,
Hawkhurst, Kent TN18 5AE

Telephone details:- 01580 753185/07801 940126

Appendix 1: “Managing a Complaint” form

Please complete in BLOCK CAPITALS and return to Ms Jill Hunt, 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	
Daytime telephone number	
Evening telephone number	
Please give details of your complaint	

What action, if any, have you already taken to try and resolve your complaint?
(To whom did you speak 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:.....

For Official use only	
Date acknowledgement sent	
Acknowledgement sent by	
Complaint referred to	
Complaint referred on (date)	

