



Burnage Academy For Boys

Complaints Policy January 2018

For the purpose of this document, a working day is Monday to Friday during term time.
It may be possible to receive a complaint during the summer holidays
but only if both sides are in agreement.

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Contents

Introduction	3
Informal Stage.....	3
First Formal Stage	3
Second Formal Stage.....	4
Complaints From Persons Not From The School	4
Unreasonable Complaints.....	5
Barring From The School Premises	7

Introduction

This complaints procedure is in line with the standards set out in the [Education \(Independent School Standards \(England\) Regulations 2014](#) Schedule 1, Part 7.

This complaints procedure is on the school website and copies are available by request from the school. For the purpose of this document, a working day is Monday to Friday during term time. It may be possible to receive a complaint during the summer holidays but only if both sides are in agreement.

Informal Stage

In the event of a carer or parent having a complaint against the school, member of staff or Governor, the complainant should contact the school with the nature of their complaint. It should not be a written complaint at this stage.

The headteacher teacher will seek to arrange for the oral complaint to be heard by a member of staff who is the appropriate line manager or member of the leadership group, and try to resolve the complaint by meeting with the complainant and undertaking to resolve the matter informally.

An oral complaint should be responded to as soon as is practical and a meeting normally arranged with the complainant within 5 working days. If the complaint is resolved then no further action will be necessary

First Formal Stage

In the event of the complainant not being satisfied with the response to the complaint in the informal procedure, the complainant should put their complaint in writing within 5 working days of the failure of the informal stage.

The formal procedure for a complaint at the first formal stage, would be for the school's HR provider or a suitable senior member of staff at leadership or senior manager level, to meet with the complainant normally within 10 working days.

The investigating officer would meet with the complainant, who could be accompanied by a friend or representative, provided the school is notified of the associate in advance of the meeting. The investigating officer would normally be accompanied by a clerk to take notes. Recording of meetings would not be allowed as specialist equipment is not available. Copies of notes taken by the clerk would be forwarded to the complainant as soon as possible and normally within 5 working days.

The investigating officer will endeavour to carry out any investigation and resolve the complaint normally within 10 working days, if at all possible. If the complainant accepts the resolution of complaint at this stage, then no further action will be necessary.

Second Formal Stage

In the event of the complainant not being satisfied with the response to the complaint in the formal procedure, the complainant should register their wish to have a formal hearing with the Complaints Panel within 5 working days of the conclusion of the first formal stage.

The Complaints Panel will comprise of two Governors and a person who is independent of the management and running of the school, who will act as Chair. Once again the complainant could be accompanied by a friend or representative, provided the school is notified of the associate in advance of the meeting. The hearing should normally be held within 15 working days of receipt of the request.

Where relevant the person complained about also has the right to attend the hearing if they wish and they too can be accompanied, provided the school is notified of the associate in advance of the meeting.

The Complaints panel will have the right to call for witnesses and any relevant documentation. The Investigating officer would normally represent the school and notes would be taken by an independent clerk.

The Complaints Panel has the power to make findings and recommendations and a copy of those findings and recommendations are to be kept available for the headteacher teacher and the trustees.

A written record of all formal complaints whether they are resolved following a formal procedure, or proceed to a panel hearing; and action taken by the school as a result of those complaints (regardless of whether they are upheld); and correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

- Parents who are not satisfied by the outcome of the complaint should refer to EFA via the [schools complaints form](#).

Complaints From Persons Not From The School

If the school receives a complaint from a member of the public or group, the informal stage of the process will be used.

In the event of the complaint not being resolved, the matter would be referred to the headteacher or Chair of Governors for a final determination. There is no right of appeal.

Unreasonable Complaints

Burnage Academy for Boys 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 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.

Burnage Academy for Boys 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'***.

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;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- 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;
- seeks an unrealistic outcome;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);

Burnage Academy For Boys Complaints Procedure Policy

- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- 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.

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:-

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive 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.

Complainants should limit the numbers of communications with a school 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.

Whenever possible, the headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it.

For complainants who excessively contact Burnage Academy for Boys causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication 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 an individual from Burnage Academy for Boys.

Barring From The School Premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises.

In serious cases, the headteacher or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make.

Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education.

Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

