

Complaints Procedure Policy

This policy is called:	Complaints Procedure
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Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the Academy. Any person, including members of the public, may make a complaint to Bolder Academy about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

The difference between a concern and a complaint

A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the Complaints Procedure. Bolder Academy takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

The expected timescale for investigating and responding to an informal complaint is 14 working days.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher or Business Manager, will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Bolder Academy will attempt to resolve the issue internally, through the stages outlined within this Complaints Procedure.

How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

Parental concerns should be raised with either the form tutor or Headteacher. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.

Complaints against Academy staff (except the Headteacher) should be made in the first instance, to Heidi Swidenbank, the Headteacher, via the Academy office. Please mark them as Private and Confidential.

Complaints that involve or are about the Headteacher should be addressed to the Chair of Governors, via the Academy office. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole Governing Board should be addressed to Rebecca Wilson, the Clerk to the Governing Board via the Academy office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the Academy office. You can also ask third party organisations like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and follow this Complaints Procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Anonymous complaints

We will not normally investigate anonymous complaints. However, the Headteacher, or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

Time scales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame only if exceptional circumstances apply.

Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first Academy day back after the holiday period.

Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by Bolder Academy, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"> • Admissions to Academy • Statutory assessments of Special Educational Needs • Academy re-organisation proposals 	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or Academy re-organisation proposals should be raised with London Borough of Hounslow</p>
<ul style="list-style-type: none"> • Matters likely to require a Child Protection Investigation 	<p>Complaints about child protection matters are handled under our Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the Local Authority Designated Officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).</p>
<ul style="list-style-type: none"> • Exclusion of children from The Academy 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/Academy-discipline-exclusions/exclusions.</p> <p><i>Complaints about the application of the behaviour policy can be made through the Academy's Complaints Procedure. The Behaviour Policy is on the website www.bolderacademy.co.uk</i></p>
<ul style="list-style-type: none"> • National Curriculum - content 	<p>Please contact the Education and Skills Funding Agency at: www.education.gov.uk/contactus</p>

<ul style="list-style-type: none"> • Whistleblowing 	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about our Academy should complain through the Academy's Complaints Procedure. You may also be able to complain direct to the LA or the Education and Skills Funding Agency (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> • Staff grievances 	<p>Complaints from staff will be dealt with under the Academy's internal Grievance Procedures.</p>
<ul style="list-style-type: none"> • Staff conduct 	<p>Complaints about staff will be dealt with under the Academy's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use Academy premises or facilities 	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>

If other bodies are investigating aspects of the complaint, for example the police, Local Authority (LA) Safeguarding Teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against Bolder Academy in relation to their complaint, we will consider whether to suspend the Complaints Procedure in relation to their complaint until those legal proceedings have concluded.

Resolving complaints

At each stage in the procedure, Bolder Academy will always want to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review Academy policies in light of the complaint
- an apology.

Withdrawal of a Complaint

If a complainant decides to withdraw their complaint, we will ask them to confirm this in writing.

Stage 1 – Complaint at Academy Level

Formal complaints must be made to the Headteacher (unless they are about the Headteacher), via the Academy office. This may be done in person, in writing (preferably on the Complaint Form), or by telephone.

The Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 3 Academy working days.

Within this response, the Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Headteacher can consider whether a face-to-face meeting is the most appropriate way of doing this.

Note: The Headteacher may delegate the investigation to another member of the Academy's senior leadership team, but not the decision to be taken.

During the investigation, the Headteacher (or investigator) will:

- If necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- Keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of the investigation, the Headteacher will provide a formal written response within 15 Academy working days of the date of receipt of the complaint.

If the Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Bolder Academy will take to resolve the complaint.

The Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the Headteacher, or a member of the Governing Board (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 1 and within the same timescales.

Complaints about the Headteacher or member of the Governing Board must be made to the Clerk, via the Academy office.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the Governing Board

Stage 1 will be considered by an independent investigator appointed by the Governing Board. At the conclusion of their investigation, the independent investigator will provide a formal written response.

Stage 2 – Complaint to the Chair of Governors

In most cases, complaints are resolved at Academy level. However, if the complainant is dissatisfied with the outcome at Stage 1, and wishes to pursue the matter further, they can escalate their complaint to Stage 2, an investigation by the Chair of Governors. The complainant should clearly state the reason that they have escalated their complaint to Stage 2 and the outcome that they are seeking.

Any request to escalate to Stage 2 must be made to the Clerk, via the Academy office, within 3 Academy days of receipt of the Stage 1 response. The Clerk will acknowledge receipt of the complaint within three Academy days.

The Chair will investigate by reading all relevant correspondence and written evidence, including investigations already made. The Chair may interview (separately) the Headteacher, the complainant and any other relevant person or witness, either in person, virtually or by telephone.

If unavailable to investigate, the Chair may delegate the investigation to another appropriate governor or, if professional expertise is needed, commission an external person (e.g., Local Authority Education Adviser/SEN professional) either to investigate the complaint on their behalf or to mediate between the Academy and the complainant.

Based on the result of the investigation, the Chair will decide whether to:

- Uphold the complaint in whole or in part or
- Dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the Chair will:

- Recommend appropriate action to be taken to resolve the complaint
- Where appropriate, recommend changes to the Academy's systems or procedures to prevent similar issues in the future.

The Chair will communicate to the complainant their decision within 15 Academy working days of the date of receipt of the Stage 2 complaint. If unable to meet this deadline, the Chair will provide the complainant with an update and revised response date.

The Chair will advise the complainant how to escalate their complaint to Stage 3, should they be dissatisfied with the outcome of Stage 2.

The Chair will keep records of all complaints received, investigations made and responses given.

The Chair of Governors will inform the Governing Body of any formal complaint received and make a statement only about the nature of the complaint. No discussion about the complaint will take place amongst governors in case the complainant decides to proceed to Stage 3.

Stage 3 – Complaint to Panel of Governors (Final Stage)

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a Governing Board Complaints' Panel, which will be formed of three, impartial, governors,

one of whom must be independent of the management and running of the Academy. This is the final stage of the Complaints Procedure.

A request to escalate to Stage 3 must be made to the Clerk, via the Academy office, within 3 Academy days of receipt of the Stage 2 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 3 Academy days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a Panel meeting within 20 Academy days of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. The meeting will then proceed in the complainant's absence, on the basis of written submissions from both parties.

The Complaints Panel will consist of three governors with no prior involvement or knowledge of the complaint, one of whom must be independent of the management and running of the Academy. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Panel. If there are fewer than two governors from Bolder Academy available, the Clerk will source additional, independent governors through another local Academy or Academy, or through their LA's Governor Services team, in order to make up the Panel. Alternatively, an entirely independent Panel may be convened to hear the complaint at Stage 3.

The Panel will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

The complainant is invited to attend the meeting and they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the Panel meeting. However, there may be occasions when legal representation is appropriate. Advance notification must be given if legal representation is being used.

For instance, if an Academy employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Note: Complaints about staff conduct will not generally be handled under this Complaints Procedure. Complainants will be advised that any staff conduct

complaints will be considered under staff Disciplinary Procedures, if appropriate, but outcomes will not be shared with them.

Note: If the meeting is held face to face or via video, the complainant has the right to be accompanied.

Representatives from the media are not permitted to attend.

At least 7 Academy days before the meeting, the Clerk will:

- Confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- Request copies of any further written material to be submitted to the committee at least 5 academy days before the meeting.

Any written material will be circulated to all parties at least 5 Academy days before the date of the meeting. The Panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The Panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with at Stage 1 of the Procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own 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.

The Panel will consider the complaint and all the evidence presented. The Panel can:

- Uphold the complaint in whole or in part
- Dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the Panel will:

- Decide on the appropriate action to be taken to resolve the complaint
- Where appropriate, recommend changes to the Academy's systems or procedures to prevent similar issues in the future.

The Chair of the Panel will provide the complainant and Bolder Academy with a full explanation of their decision and the reason(s) for it, in writing, within 5 Academy days.

The letter to the complainant will include details of how to contact the Education

and Skills Funding Agency, if they are dissatisfied with the way their complaint has been handled by Bolder Academy.

If the complaint is:

- Jointly about the Chair and Vice Chair or
- The entire governing body or
- The majority of the governing body

Stage 3 will be heard by a Panel of independent governors.

The Panel of independent governors will make findings and recommendations. These findings and recommendations will be provided to the complainant and, where relevant, the person complained about.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Bolder Academy will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

Records of Complaints

A written record of all formal complaints will be kept. This written record will identify:

- Whether they have been resolved following a Stage 1 or 2 investigation, or they have proceeded to a Panel hearing;
- Actions taken by the Academy as a result of the complaint (regardless of whether they are upheld); and
- Correspondence, statements and records relating to individual complaints are kept confidentially, except where the Secretary of State or body conducting an inspection under section 109 of the 2008 Act requests to access them.
- Complaints will be available for inspection on the Academy premises.

Managing Serial and Unreasonable Complaints

Bolder Academy is committed to dealing with all complaints equitably, comprehensively, and in a timely manner. Usually dealing with complaints is a straightforward process, but in a minority of cases complainants pursue their cases in a way that can impede the investigation of their complaint or have significant resource issues for the Academy. This can happen either while their complaint is

being investigated, or once the Academy has finished dealing with the complaint.

The aim of this policy is to help the Academy deal with unreasonably persistent complaints and unreasonable complainant behaviour in ways that are consistent and fair. It lets staff and complainants know what we consider to be unreasonable complainant behaviour (see Appendix 2). It sets out what is expected of staff when they are confronted by such behaviour, what options are available, and who can authorise the options.

We do not expect staff to tolerate threatening or abusive or bullying behaviour by complainants and we will take action to protect staff from such behaviour. If staff suffer from such behaviour they will report the incident to the Headteacher. If the Headteacher suffers from such behaviour they will report it to the Chair of Governors.

If it is considered that the complainant could or does pose a risk to the health and/or safety of an employee they will be asked not to contact that staff member directly. This step may be taken at any stage of the process described in this document.

Where the behaviour is so extreme that it threatens the safety and welfare of staff, other options may also be considered, for example reporting the matter to the police or taking legal action. In cases of imminent risk, we may not give the complainant prior warning of that action.

Considerations to be made before taking action to restrict access

All complainants have the right to have their complaint investigated. Staff should ensure that the complaints procedure has been exhausted - ended at a point that is appropriate to each case - and the complainant notified as such. It should be ensured that no material element has been overlooked or inadequately addressed.

Options for action in response to unreasonably persistent complaints or unreasonable complainant behaviour

In the first instance the Head/ Chair of Governors will contact the complainant either by phone, in writing or by email to explain why this behaviour is causing concern. The Head/ Chair of Governors will explain the actions that the Academy may take if the behaviour does not change.

If the disruptive or unreasonable behaviour and or communication continues, the Head/ Chair of Governors will issue a letter to the complainant advising them that their contact with the Academy may be restricted.

Any restriction that is imposed on the complainant's contact will be appropriate and proportionate and the complainant will be advised of the period of time the restriction will be in place for. The Head/ Chair of Governors should consider what period is appropriate, however, in most cases a relatively short period for example 6 months should be adequate. In more serious cases an extended period may be considered. In such cases the restrictions would be reviewed on a quarterly basis.

Restrictions will be tailored to deal with the individual circumstances of the complainant and may include:

- Banning the complainant from making contact by telephone except through a third party eg solicitor/ Councillor/ friend acting on their behalf
- Banning the complainant from communicating with the Academy by email, phone call or letters
- Banning the complainant from accessing any Academy building except by appointment
- Requiring contact to take place with one named member of staff only
- Restricting telephone calls to specified days / times / duration
- Requiring any personal contact to take place in the presence of an appropriate witness
- Informing the complainant that further contact on the matter of the complaint will not be acknowledged or replied to (in this case, a designated member of staff should be identified who will read future correspondence)

When the decision has been taken to apply this policy to a complainant, the Head/ Chair of Governors will write a decision letter to the complainant explaining:

- why we have taken the decision,
- what action we are taking,
- the duration of that action,
- the review process of this policy, and
- the right of the complainant to contact the Education and Skills Funding Agency about the fact that they have been treated as a vexatious/persistent complainant.

Where a complainant continues to behave in a way which is unacceptable, the Head/ Chair of Governors may decide to refuse all contact with the complainant and stop any investigation into his or her complaint.

New complaints from unreasonably persistent or unreasonable complainants

New complaints from people who have come under this policy will be treated on their merits. We do not support a “blanket policy” of ignoring genuine complaints where they are founded.

The fact that a complainant is judged to have behaved unreasonably or is being unreasonably persistent will be recorded by the Head on the Academy’s complaints log.

Next Steps

If the complainant believes the Academy did not handle their complaint in accordance with the published Complaints Procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Education and Skills Funding Agency after they have completed Stage 3.

The Education and Skills Funding Agency will not normally reinvestigate the substance of complaints or overturn any decisions made by Bolder Academy. They will consider whether Bolder Academy has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Education and Skills Funding Agency online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Education and Skills Funding Agency
Piccadilly Gate
Store Street
Manchester
M1 2WD.

Record keeping

Adequate records will be retained by the Head of the details of the case and the action that has been taken. They will retain a record of:

- The name and address of each complainant who is treated as unreasonably behaved or unreasonably persistent
- When the restriction came into force and ends
- What the restrictions are
- When the customer and departments were advised

The Full Governing Body will be provided with an annual report giving information about complainants who have been designated as unreasonably behaved or unreasonably persistent as per this policy.

Complaint Form

Please complete and return to Heidi Swidenbank, the Headteacher, Rebecca Wilson, the Clerk to the Governing Board who will acknowledge receipt and explain what action will be taken.

Your name:
Student's name (if relevant):
Your relationship to the Student (if relevant):
Address: Postcode: Day time telephone number: Evening telephone number:
Please give details of your complaint, including whether you have spoken to anybody at the Academy about it.

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:

Roles and Responsibilities

Complainant

The complainant will receive a more effective response to the complaint if they:

- Explain the complaint in full as early as possible
- Co-operate with the Academy in seeking a solution to the complaint
- Respond promptly to requests for information or meetings or in agreeing the details of the complaint
- Ask for assistance as needed
- Treat all those involved in the complaint with respect
- Refrain from publicising the details of their complaint on social media and respect confidentiality.

Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- Providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - Sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
 - Interviewing staff and children/young people and other people relevant to the complaint
 - Consideration of records and other relevant information
 - Analysing information
- Liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- Conduct interviews with an open mind and be prepared to persist in the questioning
- Keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- Ensure that any papers produced during the investigation are kept securely pending any appeal
- Be mindful of the timescales to respond

- Prepare a comprehensive report for the headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Complaints Co-ordinator (this will be the Headteacher / designated complaints governor or other staff member providing administrative support)

The complaints co-ordinator should:

- Ensure that the complainant is fully updated at each stage of the procedure
- Liaise with staff members, Headteacher, Chair of Governors, Clerk and LA (if appropriate) to ensure the smooth running of the Complaints Procedure
- Be aware of issues regarding:
 - Sharing third party information
 - Additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- Keep records.

Clerk to the Governing Body

The Clerk is the contact point for the complainant and the Panel and should:

- Ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to Academy complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- Set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- Collate any written material relevant to the complaint (for example; stage 3 paperwork, Academy and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- Record the proceedings
- Circulate the minutes of the meeting

- Notify all parties of the Panel's decision.

Panel Chair

The Panel's chair, who is nominated in advance of the complaint meeting, should ensure that:

Both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting

- The meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- Complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- The remit of the Panel is explained to the complainant
- Written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- Both the complainant and the Academy are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- The issues are addressed
- Key findings of fact are made
- The Panel is open-minded and acts independently
- No member of the Panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- The meeting is minuted
- They liaise with the Clerk (and complaints co-ordinator, if the Academy has one).

Panel Member

Panel members should be aware that:

- The meeting must be independent and impartial, and should be seen to be so

No governor may sit on the Panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.

- The aim of the meeting should be to resolve the complaint and achieve reconciliation between the Academy and the complainant

We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

- Many complainants will feel nervous and inhibited in a formal setting
Parents/carers often feel emotional when discussing an issue that affects their child.
- Extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The Panel should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the Panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the Panel should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the Panel considers is not in the child/young person's best interests.

- The welfare of the child/young person is paramount.

Appendix 1

Plan and Conduct of Stage 2 Complaints Panel Hearing:

1. Introduction by Chair of Panel
2. Complainant makes statement (not more than 15 minutes)
3. Headteacher makes statement (not more than 15 minutes)
4. Complainant and Headteacher questioned by the panel but do not question each other except via the panel and at the panel's discretion. Either may be accompanied by a 'friend' who may speak but should not be representing the Complainant or Headteacher in an official capacity e.g., lawyer, union representative.
5. Any witnesses notified to the panel by 5 Academy days beforehand, may be questioned.
6. Headteacher makes final statement (not more than 15 minutes)
7. Complainant makes final statement (not more than 15 minutes)

Panel reaches its decision in private. It may ask for more evidence if it is required to reach a fair verdict.

Panel chair notifies the complainant, Headteacher and Chair of Governors in writing of its decision.

The total duration of hearing should not be more than 90 minutes plus the private session afterwards.

Appendix 2

Dealing with 'unreasonably persistent' complainants and 'unreasonable complainant behaviour'

We have adopted the Local Government Ombudsman's (LGO) definition of "*unreasonable complainant behaviour*" and "*unreasonable persistent complaints*".

In summary unreasonably persistent complaints and unreasonable complainant behaviour occur in situations where complainants who, because of the frequency or nature of their contacts with the Academy, hinder our consideration of their or other people's complaints. The description 'unreasonably persistent' and 'unreasonable complainant behaviour' may apply separately or jointly to a particular complainant.

Examples include the way or frequency that complainants raise their complaint with staff, or how complainants respond when informed of our decision about the complaint.

Unreasonably persistent complaints and unreasonable complainant behaviour includes what is listed below. The list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category. It may include:

- have insufficient or no grounds for their complaint and be making the complaint only to annoy (or for reasons that he or she does not admit or make obvious)
- refuse to specify the grounds of a 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 issues are not within the remit of the complaints policy and procedure despite having been provided with information about the scope of the policy and procedure
- refuse to accept that issues are not within the power of the Academy to investigate, change or influence (examples could be a complaint about a private car park, or something that is the responsibility of another organisation)
- insist on the complaint being dealt with in ways which are incompatible with the complainant's procedure or with good practice (insisting, for instance, that there must not be any written record of the complaint)
- make what appear to be groundless complaints about the staff dealing with the complaints, and seek to have them dismissed or replaced
- make an unreasonable number of contacts with us, by any means in

- relation to a specific complaint or complaints
- make persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to numerous, frequent and/or complex letters, telephone calls or emails)
 - harass or verbally abuse or otherwise seek to intimidate staff dealing with their complaint, in relation to their complaint by use of foul or inappropriate language or by the use of offensive and racist language
 - knowingly provides falsified information
 - raise subsidiary or new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process
 - introduce trivial or irrelevant new information whilst the complaint is being investigated and expect this to be considered and commented on
 - change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed
 - deny statements he or she made at an earlier stage in the complaint process
 - electronically record meetings and conversations without the prior knowledge and consent of the other person involved
 - adopt an excessively 'scattergun' approach, for instance, pursuing a complaint or complaints not only with the Academy, but at the same time with a Member of Parliament, the council, Ofsted, Teacher Regulation Agency, the police, solicitors, and the Local Government Ombudsman
 - refuse to accept the outcome of the complaint process where the Academy's complaints procedure has been fully and properly implemented including referral to the Education and Skills Funding Agency after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given
 - make the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded, and insist that the minor differences make these 'new' complaints which should be put through the full complaints procedure
 - persistently approach the Academy through different routes about the same issue
 - persist in seeking an outcome which we have explained is unrealistic for legal or policy (or other valid) reasons
 - complain about or challenge an issue based on a historic and irreversible decision or incident
 - publishes unacceptable information on social media or other public forums
 - combine some or all of these features

