



# Complaints Policy

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## EBN Trust

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## **1. Guidance for anyone with a concern or complaint**

EBN Academy Trust wants to deal with any issues, concerns or complaints raised as promptly and effectively as possible. If a parent/guardian has any concerns they are encouraged in the first instance, to go directly to the person who is most appropriate – this will usually be the form tutor, a senior member of staff or the Head Teacher.

If the person raising the concern/complaint is **not a parent or a guardian of a child attending the academy** they should contact the Head Teacher.

The academy is required by law to have a complaints procedure that aims to ensure that concerns and complaints are handled in a fair and non-adversarial manner.

The procedure is intended to deal with complaints relating to the actions of staff and the application of academy procedures where they affect individual pupils **except** in matters relating to:

- a particular exclusion,
- a particular child protection issue
- a special needs statementing issue
- an admission issue

all of which are dealt with under separate procedures. Details of these procedures are available on academy website.

## **2. Policy Statement/Complaints Procedure**

The academy encourages any complainant to make every effort to resolve any concerns informally – please help EBN Academy to resolve any concerns or complaints by following these steps.

Please note:

- any concern or complaint should be brought to the attention of the academy at the earliest opportunity; any matter raised more than 3 months after the event will only be considered in exceptional circumstances.
- an anonymous complaint will not be dealt with unless there are exceptional circumstances

### **Informal Stage 1 – Raising a concern informally**

It is expected that in most cases the form tutor or senior member of staff will be able to resolve any concerns without the need to go any further. The person raising the concern can help them to resolve concerns by arranging to meet him or her at a convenient time, discussing concerns in a positive atmosphere and allowing them any time that they require in order to investigate the matter further themselves.

If any complaint has been raised we would expect the relevant member of staff to engage in informal dialogue within 1 week of the concern being raised. Please note that an unreasonable refusal to allow a concern or complaint to be addressed informally **may** result in the academy being unwilling to take the issue any further.

Where the first approach is made to a local Governor or Director, they will refer the person raising a concern to the Academy procedure, and advise them to contact the Academy directly. Local Governors or Directors will not act unilaterally on an individual concern or complaint or be involved at the early stages of an issue in case they are needed to sit on a panel at a later stage of the procedure.

The Academy will respect the views of a person raising a concern or complaint who indicates that he/she would have difficulty discussing the issue with a particular member of staff. In these cases, the line manager can refer the parent/carers or member of public to another staff member. The ability to consider the concern or complaint objectively and impartially is crucial.

If, having raised a concern with the relevant member of staff, the person raising the concern is still dissatisfied, or if the member of staff concerned is the subject of the complaint, then they should move on to step two, contacting the Head Teacher or Executive Head Teacher.

If the issue concerns the Head Teacher, then you should write to the Executive Head Teacher in the first instance who will deal with the query as soon as possible, and usually within 10 working days.

If the issue concerns the Executive Head Teacher, then you should write to the Chair of the Local Governing Board in the first instance who will deal with the query as soon as possible, and usually within 10 working days.

### **Formal Stage 1 – Issue Referred to the Head Teacher or Executive Head Teacher**

The Head Teacher/Executive Head Teacher may ask the concerns to be submitted in writing (which can include email) but will usually be able to deal with concerns face-to-face. The Head Teacher/Executive Head Teacher will attempt to resolve concerns using any reasonable means that she/he feels are appropriate: this may involve meeting with the person raising the concern/complaint to discuss the matter further, or delegating another senior member of staff to investigate.

The Head Teacher/Executive Head Teacher should be allowed reasonable time to investigate the concern or complaint and gather any information that she/he requires. On this basis feedback should be expected no later than 10 academy days after giving them the details.

If the person raising the concern/complaint is dissatisfied with the feedback from the Head Teacher or Executive Head Teacher, or if the Head Teacher or Executive Head Teacher is the subject of the concern or complaint, the complainant should move on to formal stage 2, contacting the Chair of the Local Governing Board.

### **Formal Stage 2 - Formally Notifying the Local Governing Board**

The Local Governing Board has responsibility for ensuring that any complaints formally notified to them are addressed. If the concern or complaint has not been shared with the Head Teacher or Executive Head Teacher, the Chair may advise this as the first course of action, but otherwise, will ask that the complaint is put in writing, if it has not already been done so

(this can include email). The complaint should be sent to the Chair of the Local Governing Board, c/o EBN Academy Trust, 10 High Street, Castle Vale, Birmingham, B35 7PR.

The Chair of the Local Governing Board will decide on an appropriate course of action, depending on the issue. This could be a meeting or conversation with the complainant in the first instance. The Chair of the LGB will respond to the complainant within 10 school days of receiving a complaint.

### **Formal Stage 3 – Issue referred to the Chair of the Board of Directors**

If the person raising the concern/complaint is still dissatisfied with the way the issue has been handled, then the complaint should be put in writing, and sent to the Chair of the Board of Directors, c/o EBN Academy Trust, 10 High Street, Castle Vale, Birmingham, B35 7PR.

In cases that require urgent consideration the Chair may deal with the matter exclusively and without delay but usually a designated panel of 3 impartial directors/local governors will be convened to hear the complaint. The Chair of the Board of Directors will respond to the complainant within 10 days of receiving a complaint.

The designated panel will hear the complaint on an impartial basis via a panel hearing that must be held in private, and will aim to resolve the complaint and reconcile any differences between the complainant and the academy.

The conduct and procedure of the hearing is detailed below.

### **Complaints Panel**

Individual complaints will not be heard by the whole Board of Directors at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint. As this is the case it may be necessary to ask impartial members of the Local Governing Board to be part of the Panel.

The Board of Directors will make provision for a hearing before a panel appointed on behalf of the Trust and consisting of people who were not directly involved in the matters detailed in the complaint. One panel member will be independent of the management or running of the school. Parents/carers may attend the panel hearing of a complaint, and may be accompanied at the hearing if they wish by a friend or colleague. No legal representation is permitted at the panel.

The Complaints Panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems, recommend disciplinary action, or procedures to ensure that issues of a similar nature do not recur.

All people sitting on a complaints panel will work within the following guidelines:

- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However,

it has to be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

- An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parent/carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as considerate as possible.
- Extra care needs to be taken when the complainant is a student. Directors will consider the welfare of the student in its arrangements of the hearing. The panel needs to be aware of the views of the student and give them equal consideration to those of adults.
- The Directors sitting on the panel need to be fully conversant of the complaints procedure.

### **3. Roles and Responsibilities**

#### **The role of the Head Teacher/Executive Head Teacher**

- Ensure that correct school procedure is used to respond to concerns or complaints about staff raised within school within informal stage 1.
- Ensure that appropriate action is taken as a result of a concern or complaint about a member of staff in school within informal stage 1.
- Ensure that concerns or complaints referred in the informal stage or formal stage 1 are logged, and that appropriate action is taken. Ensure that concerns or complaints are responded to within a reasonable timeframe.
- Ensure that anyone raising a concern is aware of the formal procedure for complaints if they are dissatisfied with the action to date.

#### **The Role of the Clerk**

Any group of Local Governors, Directors or others considering complaints will be supported by a clerk. He/she will be the contact point for the complainant and will:

- set the date, time and venue of the hearing, taking reasonable measures to ensure that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision ;
- ensure that a copy of findings and recommendations is made available for inspection on the school premises by the Trust and the Head Teacher/Executive Head Teacher.

#### **Confidentiality**

The school and Trust will keep a written record of all complaints handled at all stages of the complaints procedure, regardless of whether the school/Trust has taken any action. All correspondence statements and records will be kept confidential except when requested as part of an inspection.

### **The Role of the Chair of Complaints Panel**

The Chair of the Panel has a key role, ensuring that:

- the hearing and decision making process are chaired effectively
- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parent/carers and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure; each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties by the date specified by the clerk. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

### **Notification of the Panel's Decision**

The chair of the panel will ensure that the complainant is notified in writing of the panel's decision, recommendations and reasons for them and, if appropriate, the next steps. This should be issued within ten working academy days after the investigation has concluded.

**Please note:** if the outcome might lead to action under another procedure or is an internal management issue for the academy and therefore the responsibility of the Head Teacher, the complainant may only be told that appropriate action will be taken

It is recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour, and therefore it may only be possible for the hearing to establish the facts and make recommendations. All written outcomes of any investigation will be available for inspection on the academy premises by the Head Teacher or Executive Head Teacher.

If, despite all stages of the procedure having been followed, the complainant remains dissatisfied, they may take the complaint to the Trust Members, who have a remit to review due process - there is no onus on them to re-open an investigation, etc. if they are satisfied that the academy has dealt with the complaint appropriately.

#### **4. School Complaints Procedure Checklist for a Panel Hearing**

The panel needs to take the following points into account:

- Witnesses are only required to attend for the part of the meeting in which they give evidence. (Witnesses may include the member of staff against whom the complaint was made)
- After introductions, the complainant is invited to explain their complaint, and use their witnesses to support their case, in turn.
- The Head Teacher/Executive Head Teacher may question both the complainant and use their witnesses to support their case, in turn
- The Head Teacher/Executive Head Teacher is then invited to explain the school's actions and be followed by the school's witnesses
- The complainant may question both the Head Teacher/Executive Head Teacher and the witnesses after each has spoken
- The Panel may ask questions at any point
- The complainant is then invited to sum up their complaint
- The Head Teacher/Executive Head Teacher is then invited to sum up the school's response to the complaint
- The Chair explains that both parties will hear from the panel within a set time scale
- The Head Teacher/Executive Head Teacher and complainant leave together while the panel decides on any actions to be taken

#### 5. **Unreasonable Complainants**

EBN Academy Trust 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.

EBN Academy Trust defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'. 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;
- 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 school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- 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 Head Teacher, Executive Head Teacher or Chair of the Local Governing Board will discuss any concerns with the complainant informally before applying an 'unreasonable' marking. If the behaviour continues, the Head Teacher or Executive Head Teacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it.

For complainants who excessively contact schools in EBN Academy Trust, 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 any school within the EBN Academy Trust.

## **6. Barring from the Academy Premises**

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

If a parent/carer's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Head Teacher, Executive Head Teacher or the Academy Trust 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/carer may wish to make. EBN Academy Trust Schools will always give the parent/carer 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/carer, and either

confirmed or lifted. If the decision is confirmed, the parent/carer 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 Head Teacher, Executive Head Teacher, Chair of The Local Governing Board, or to the Chair of the Board of Directors. 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.