



## **SMITH`S WOOD PRIMARY ACADEMY COMPLAINTS POLICY**

Smith`s Wood School Academy follows the legal requirements for Academies specified in the Education Regulations (2014) legislation. (Part7).

The complaints procedure of the school;

- (a) is in writing; .
- (b) is made available to parents of pupils; .
- (c) sets out clear time scales for the management of a complaint; .
- (d) allows for a complaint to be made and considered initially on an informal basis; .
- (e) where the parent is not satisfied with the response to the complaint made in accordance with subparagraph (d), establishes a formal procedure for the complaint to be made in writing; .
- (f) where the parent is not satisfied with the response to the complaint made in accordance with subparagraph (e), makes provision for a hearing before a panel appointed by or on behalf of the proprietor and consisting of at least three people who were not directly involved in the matters detailed in the complaint; .
- (g) ensures that, where there is a panel hearing of a complaint, one panel member is independent of the management and running of the school; .
- (h) allows for a parent to attend and be accompanied at a panel hearing if they wish;
- (i) provides for the panel to make findings and recommendations and stipulates that a copy of those findings and recommendations is— .
  - (1) provided to the complainant and, where relevant, the person complained about; and .
  - (2) available for inspection on the school premises by the proprietor and the head teacher; .
- (j) provides for a written record to be kept of all complaints that are made in accordance with subparagraph (e) and— .
  - (1) whether they are resolved following a formal procedure, or proceed to a panel hearing; and .
  - (2) action taken by the school as a result of those complaints (regardless of whether they are upheld); and .
- (k) provides that 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.

The majority of issues raised by parents, the community or pupils, are concerns rather than complaints. Smith`s Wood Primary Academy is committed to taking concerns seriously, at the earliest stage, in the hope of keeping the number of formal complaints to a minimum and without needing formal procedures. However, depending on the nature of the complaint, you may wish or be asked to follow the school`s formal complaints procedure. For the school to be able to investigate a complaint, it needs to be made within one year of the incident occurring. If a complaint is older than a year it will not be investigated.

The prime aim of Smith`s Wood Primary Academy`s policy is to resolve the complaint as fairly and speedily as possible. Formal complaints will be dealt with in a sensitive, impartial and confidential manner. Malicious complaints may incur appropriate action by the school.

The following details outline the stages that can be used to resolve complaints.

### **The Smith`s Wood Primary Academy Complaints Policy has four main stages.**

In summary they are as follows: -

- Stage 1 – A concern is raised informally with a staff member. Please note that teachers should not be approached with a complaint at the classroom door at the start of the day or the end of the day, as the supervision of pupils is the priority at these key times.
- Stage 2 – Formal complaint is heard by the complaints co-ordinator or an appropriate member of staff.
- Stage 3 – Complaint is heard by Headteacher.
- Stage 4– Complaint is heard by Chair of the Governing Body.
- Stage 5 – Complaint is heard by the Complaints Appeal Panel

#### **Stage 1 – Raising a concern**

Concerns can be raised with the school at an appropriate time and will often generate an immediate response, which will resolve the concern. The school requests that parents make their first contact with their child`s classteacher, via the school office. On some occasions the concern raised may require investigation, or discussion with others, in which case you will receive an informal but informed response within a day or two. The vast majority of concerns will be satisfactorily dealt with in this way. However, if you are not satisfied with the result at stage 1, please write to the school within 10 school working days and state what you would like the school to do. The school will then look at your complaint at the next stage.

#### **Stage 2 – Complaint heard by the complaints co-ordinator or by an appropriate staff member.**

Formal complaints shall be put in writing and addressed to the Mr Hobbis, Smith`s Wood Primary School, Burton`s Way, Birmingham, B36 0SZ. The complaint will be logged, including the date it was received. The school will normally acknowledge receipt of the complaint within 2 school working days of receiving it and a written response issued within 5 working days. In many cases this response will also report on the action the school has taken to resolve the issue. If you are dissatisfied with the response, you should inform the school within 10 working days of receiving the response.

### **Stage 3– Complaint heard by the headteacher**

If the complaint has not been resolved at Stage 2, you should make your complaint, in writing, to the Headteacher. The Headteacher will arrange for a further investigation. Following the investigation, the Headteacher will normally respond, in writing, within 10 school working days. If you are dissatisfied with the response, you should inform the school within 10 working days of receiving the response.

### **Stage 4– Complaint heard by Chair of the governing body**

If the complaint has not been resolved at stage 3, you should make your complaint in writing to the Chair of the Governing Body, in writing via the school office. Please address complaints to Mr N.Henderson. The Chair will normally respond within 10 working school days. If you are dissatisfied with the response, you should inform the school within 10 working days of receiving the response.

### **Stage 5 – Complaint heard by the Complaints Appeal Panel**

If the matter has still not been resolved at Stage 3, then you will need to write to the Chair of Governors giving details of the complaint. The Chair or a nominated Governor will convene a complaints panel. The hearing will normally take place within 10 school working days of the receipt of the written request for Stage 4 investigation.

The aim of the Appeal panel hearing is to impartially resolve the complaint and to achieve reconciliation between the school and the complainant. All parties will be notified of the Panel's decision in writing within three school working days after the date of the hearing. The letter will also contain what you need to do if you wish to take the matter further. The panel will consist of no fewer than three people, with one member being independent of the management and running of the school

\* N.B. In cases where the matter concerns the conduct of the Headteacher, the Headteacher and Chair of Governors will be informed of the complaint. The Chair of Governors will arrange for the matter to be investigated. In cases where the matter concerns the conduct of a member of the Governing Body the member will be informed of the complaint.

The appeal hearing is the last school-based stage of the complaints process.

### **Equality Act 2010**

In order to comply with our obligations under the [Equality Act 2010](#), we understand that complainants may have communication preferences due to:

- disability
- learning difficulties
- difficulties using English

Therefore, we allow alternative methods of contact. Below are some recommendations on how complaint information can be processed should the complainant feel they meet the criteria listed above:

A complaint may be made:

- by a third party acting on behalf of the complainant

*You will need to provide written consent to Mr Hobbis stating you permit us to disclose information regarding your complaint through a third party. Mr Hobbis will provide assistance with this.*

## Persistent and Vexatious complaints

The school follows the Solihull Metropolitan Borough Council policy on Persistent and Vexatious complaints.

### **Definition of vexatious and persistent complaints**

For the purposes of this policy the terms are defined as:

**Persistent** The frequency or nature of their contacts with the school, hinder the school's consideration of their or other people's complaints

**Vexatious** A vexatious person in this context is someone who is not seeking to resolve a dispute between themselves and the school but rather is seeking to cause unnecessary aggravation or annoyance to the school.

Examples include

- refusal to accept that issues are not within the remit of the complaints policy
- refusal to accept that issues are not within the power of the school to investigate, change or influence
- Insistence on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being investigated
- electronically recording meetings and conversations without the prior knowledge and consent of the other person involved.
- adopting an excessively 'scattergun' approach, for instance, pursuing a complaint or complaints not only with the Council, but at the same time with a Member of Parliament, other councils, elected councillors of this and other councils, the Council's independent auditor, the Standards Board, the police, solicitors, and the Local Government Ombudsman .

### **What actions can be taken to stop or curtail the behaviour? (See SMBC policy)**

The options the school are most likely to consider are:

- placing time limits on telephone conversations
- restricting the number of telephone calls that will be taken (for example, one call on one specified morning/afternoon of any week)
- limiting the complainant to one medium of contact (letter, email etc) and/or requiring contact to take place with one named member of staff only
- requiring any personal contact to take place in the presence of an appropriate witness

These options are not exhaustive

Staff should use considerable judgement and discretion in recommending or confirming persistent or vexatious status and in deciding the action to be taken.