



# Complaints Policy

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| <b>Policy Details</b> |                             |
| Policy prepared by:   | Andrew Wakefield, Principal |
| Date reviewed:        | September 2019              |
| Approved by Governors | September 2019              |
| Date of next review:  | September 2020              |

## **Policy statement and principles**

We are committed to dealing effectively with any concerns or complaints you may have about the provision of facilities and / or the services we offer.

We need to know as soon as possible if there is any cause for dissatisfaction. We aim to clarify any issues about which you are not sure and if possible, we will put right any mistakes we may have made. We also aim to learn from our mistakes and use the information we gain to improve our services. Should you become unhappy with any aspect of our work, we will try to address your concerns quickly and effectively. We will also try to find resolutions that are reasonable and acceptable to everyone concerned.

If possible, we believe it's best to deal with things straight away rather than try to sort them out later. If you have a concern, raise it with the person you're dealing with. They will try to informally resolve it for you there and then. If there are any lessons to learn from addressing your concern then the member of staff will draw them to the attention of a member of *the academy's* senior management. If the complaint is not resolved when dealt with informally you can then ask for a formal investigation using the procedures detailed in this policy.

All concerns and complaints will be dealt with in a positive manner and taken seriously, no individual will be penalised or treated unfairly as a result of making a complaint. Through this policy, we aim to put right any matter which may have gone wrong and to review systems and procedures in the light of the relevant circumstances

We will make reasonable adjustments for people with disabilities in accordance with the Equality Act 2010 and the Equality Policy.

This policy is consistent with all other policies adopted by The Edge Academy and its academies and is written in line with current legislation and guidance.

## **Complaints we will not consider**

We will not consider complaints in the following circumstances:

- We receive the complaint more than three months after the incident occurred or for ongoing issues more than six months from the last instance causing complaint (in the case of a student or employee a complaint may be considered up to three months after leaving the academy or employment, this will be determined on a case by case basis) unless there are exceptional circumstances
- Where the complaint has been made previously to us about the same issue which has been fully investigated and / or resolved under this policy
- Anonymous complaints (unless there are exceptional circumstances)
- Frivolous, vexatious, abusive or malicious complaints
- The complaint is made by a third party on behalf of another person without prior authority
- If the complaint is about a third party provider of a service that is organised or facilitated by us – complaints of this nature should be directed to the service provider

- Where complaints are about (see later in policy for details of where these complaints should be directed)\*:
  - Examination results
  - A child or young person's statement of special educational needs or education, health and care (EHC) plan
  - Matters that are the subject of legal action

If we decide that we are unable to consider your complaint, we will write to you within three academy weeks following the receipt of your complaint and explain why. In some circumstances, we may decide that your concern(s) should be considered using another policy or procedure.

*\* Although these complaints cannot be formally investigated they should be brought to the attention of the academy and / or THE EDGE ACADEMY, we may be able to resolve the complaint or provide additional information / support.*

### **Monitoring and review**

This policy will be reviewed annually or in the following circumstances:

- Changes in legislation and / or government guidance
- As a result of any other significant change or event
- In the event that the policy is determined not to be effective
- If there are urgent concerns these should be raised to the *Assistant Principal* in the first instance for them to determine whether a review of the policy is required in advance of the review date.

### **Roles and responsibilities**

|   |           |   |
|---|-----------|---|
| <i>Insert title</i>                           |           | Charlotte Poynton, Assistant Principal (Lead on Complaints at The Edge Academy) |
| Contact Details                               | Email     | charlotte.poynton@theedgeacademy.co.uk  |
|   | Telephone | 0121 533 5858   |
| <i>Insert title (delete if not necessary)</i> |           |   |
| Contact Details                               | Email     |   |
|   | Telephone |   |
| THE EDGE ACADEMY Interim Chair of Governors   |           | Ruth Harker   |
| Contact Details                               | Email     | <a href="mailto:ruthatprior@hotmail.com">ruthatprior@hotmail.com</a>            |
|   | Telephone | 07808 939 323   |

### **Making a complaint**

It may become obvious to a staff member that an individual is not happy about our actions or services we provide, the individual may not identify this as a concern or

complaint at the time. The staff member should identify that a concern is being raised and should deal with this informally in the first instance. It is a precondition of the complaints procedure that reasonable attempts should be made to resolve issues on an informal basis (at stage 1) and the Chair of Governors shall have the discretion, to be exercised reasonably, not to allow a complaint to be pursued where this precondition has not been met.

Every concern or complaint that reaches stage 2 of the procedure must be recorded, detailing the action taken and the stage at which the complaint was resolved. A record of this will be retained with the complaint file which includes all of the documents relied upon when investigating the complaint. The complaint file will be confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to it.

Any requests for disclosure of any or all sections of this file will be dealt with on a case by case basis and in line with data protection legislation.

The academy will keep all records of a complaint for at least 12 months from the final correspondence / action on a particular complaint. In relation to a complaint from a student or employee the record will be kept for at least 12 months after the individual leaves the academy or employment, this is to ensure that the details are available should a future complaint arise.

All complaints that reach stage 2 will be recorded on a complaints log which details the date the complaint made, key complaints, what stage the complaint went to, whether the complaint was resolved and any actions that occurred as a result of the complaint. This is done to spot any trends arising and can inform us of the need for general or targeted training.

All complaints will follow the stages detailed in this section unless there is the need to escalate them. This may be done where the complaint:

- Is time sensitive and the need for a final response is required by a specific date
- May involve media attention
- Is about the principal or a senior member of The Edge Academy
- Is made by a complainant who has a specific disability that will make the full process unreasonable

If it is considered that there is a need to skip a stage of the procedure in this policy then the complainant will be informed of what to expect in relation to their complaint. The decision to alter the complaints process will be done on a case by case basis and this will be recorded on the complaints file and / or log.

Where the complainant's first approach with regards to the complaint skips stage one then, unless it is determined to be appropriate to continue at the later stage the complainant will be informed of the process and referred to the correct person to contact.

## Complaints about the academy

Complaints about the academy have a three stage process. With all stages of the complaint a satisfactory conclusion will end the complaints process and in effect close the complaint file, whereas an unsatisfactory conclusion will mean that the next stage of the process will be required until the whole process is exhausted. Complaints about the academy can be made in the following ways:

- Completing a complaint form – available from THE EDGE ACADEMY
- By email to [charlotte.poynton@theedgeacademy.co.uk](mailto:charlotte.poynton@theedgeacademy.co.uk) – to help us identify that it is a complaint then please put 'complaint' in the subject heading
- In writing to Charlotte Poynton, The Edge Academy, 946 Bristol Road South, Northfield, B31 2LQ
- By phone or in person – for informal complaints only or where a reasonable adjustment to handle the complaint over the phone or in person has been made

### Stage one – informal

Where a concern or complaint has been brought to the attention of / identified by a staff member in person then they will address the issue on the spot, where appropriate. If the complaint has been raised over the phone or in writing the complaint will be forwarded to the appropriate person to handle the complaint (complaints coordinator). It may be necessary for the academy to request for a complaint form to be completed to aid the understanding of the complaint. If it is a minor complaint, then this will be dealt with by the complaints coordinator and / or another relevant member of staff. A full response will be provided within five academy days. This may be a written response or can involve a meeting with a staff member.

If the complaint is considered to be complex or falls under one of the categories detailing where complaints can be escalated then the complaints coordinator will acknowledge the complaint within five academy days, confirming that the complaint will be dealt with at stage two of the process and requesting that the complaint be made in writing unless already done so.

All documents relied upon for this stage of the complaint (including the complaint form and outcome) will be retained on the complaint file. If the complaint is closed at this stage the complaint log should be updated.

If the complainant remains dissatisfied with the academy's response then they are able to progress the complaint to stage two.

### Stage two – formal

All complaints at this stage must be received in writing unless reasonable adjustments are required. If reasonable adjustments require the complaint to be made verbally then a written record of what the complaint is regarding should be recorded during the phone call / meeting and sent to the complainant.

The complaint will be investigated by the Deputy Headteacher, or Headteacher. If the complaint is about the principal/ chair of governors then the complaint will be escalated to stage three. Where the complaint is about either the principal or chair of governors the complaint will be investigated by the individual not involved. This will be decided within five academy days and an acknowledgement of the complaint will be sent to the complainant confirming who will be investigating the complaint and the timescales required to investigate and resolve the complaint.

The investigator may delegate the task of collating the information to another staff member but not the decision on the action to be taken. The response should be received in writing within four academy weeks of the date of the acknowledgement letter for stage two where possible. Any delay in the investigation will be communicated to the complainant at the earliest opportunity.

If the complainant remains dissatisfied with the academy's final response then they are able to progress the complaint to stage three.

All documents relied upon for this stage of the complaint will be retained on the complaint file. If the complaint is closed at this stage the complaint log should be updated.

### **Stage three – complaints panel**

Stage three is the final stage of the complaints process where the complainant can request a complaint panel. The complainant should contact the chair of governors within three weeks of the date of complaint outcome letter if they would like for a complaint panel to be convened. This should include the reasons why they are not satisfied with the outcome of the complaint.

The panel will consist of at least three governors. The panel is independent and impartial. All members of the panel will have no prior involvement in the complaint or in the circumstances surrounding it. A clerk will be attending to oversee the running of the panel and to take minutes.

The panel will be arranged by the chair of governors at a location and time convenient to all parties. This will not exceed three weeks from the date the panel was requested by the complainant where possible.

The panel will be held in private and its aim is to resolve the complaint and achieve reconciliation between the academy and the complainant. However, it is recognised that this might not always be possible and it may only be possible to establish the facts and make recommendations.

The complaints panel will only be arranged if the complainant and / or their representative attend, if the complainant does not confirm attendance or turn up the panel will not go ahead and the complainant will lose their right to the complaint being heard.

The 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 systems or procedures to ensure that problems of a similar nature do not recur

The outcome of the panel will either be communicated to all parties on the day or a letter will be sent (by electronic mail or otherwise) confirming the outcome within five academy days. The academy will update their complaint log.

### **Other routes of complaint**

Should the complainant be unsatisfied with the outcome of this complaints policy or wish to complain about a complaint that we are unable to investigate the complainant can contact the following organisations (depending on the nature of the complaint).

| Complaint   | Who to contact                        |
|---|---------------------------------------|
| Examination results or curriculum content   | Ofqual and the awarding body          |
| Undue delay / not complying with the complaints policy when considering complaint, where there is a breach in the academies funding agreement or it fails to comply with any other legal obligation | Education Funding Agency (EFA)        |
| Safeguarding or child protection matters  | Local Safeguarding Children's Board   |
| Discrimination  | Equality Advisory and Support Service |
| A child or young person's Statement of Special Education Need   | SEN and Disability Tribunal           |
| Employment matters  | Employment Tribunal                   |
| Data protection or freedom of information   | Information Commissioner's Office     |
| For complaints that affect the whole academy (i.e. problems with the quality of education or poor management  | Ofsted                                |

### **Unreasonable and persistent complainants**

We expect anyone who wishes to raise concerns to:

- Treat all members of THE EDGE ACADEMY and the academy community with courtesy and respect
- Avoid the use of violence, or threats of violence, towards people or property
- Allow us a reasonable time to respond to a complaint and follow the complaints procedure

Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour towards any members of THE EDGE ACADEMY or the academy community.

In a minority of cases, people pursue their complaints in a way which can either impede the investigation of their complaint or can have significant resource issues for the academy or THE EDGE ACADEMY. This can happen either while their complaint is being investigated, or once the investigation has been concluded.

We define unreasonable persistent and vexatious complainants as those complainants who, because of the frequency or nature of their contacts, hinder our consideration of their complaints. We regard harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than to seek a resolution.

We will not tolerate any form of unacceptable behaviour. In cases of vexatious / unreasonably persistent complaints or harassing / abusive behaviour, we may take some or all of the following steps, as appropriate:

- Inform the complainant informally or formally that their behaviour is now considered to be unreasonable or unacceptable, and request a changed approach
- Require any personal contact to take place in the presence of an appropriate witness
- Restrict contact to certain methods, such as in writing or through a third party
- Not reply to or acknowledge any further contact from them on the specific topic of that complaint and / or
- Ban the individual from entering the premises
- Report the matter to the police or take legal action

Any restriction that is imposed on the complainant's contact with us will be appropriate and proportionate and the complainant will be advised of the period of time the restriction will be in place for. THE EDGE ACADEMY will always be involved with a decision to apply any or the steps detailed above unless emergency action is required.

Legitimate new complaints will always be considered and treated on their merits.