



Complaints Policy
The Axholme Academy
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1. General Principles This procedure applies to The Axholme Academy.

The aim of this procedure is to enable those involved to reach a resolution of their concerns by providing a transparent and easily understood process for handling complaints. We will do this by:

- Attempting to resolve concerns through informal discussions at the earliest stage
- Providing named contacts and a timescale for a response to be made by The Axholme Academy
- Focusing on resolving complaints rather than apportioning blame
- Promoting confidentiality and discretion
- Being forthright in dealing with vexatious, abusive and malicious complaints
- Complaints will be managed in line with the 'Complaints Process' set out within this procedure.

The table entitled 'Complaints Procedure: Management of Stages within The Axholme Academy' indicates who will be involved in the management of your complaint depending on the stage it has reached.

All complaints, regardless of the subject matter, will first be reviewed by The Axholme Academy Complaints Co-ordinator. They will ensure that you are informed of what the next steps will be in the handling of your complaint and the timescales involved. If after reviewing the complaint it is decided that an alternative statutory procedure applies then you will be informed. Examples of issues that would not be dealt with under this procedure include those relating to exclusions, admission appeal or special educational needs provision. Disciplinary action, grievances and capability issues related to employees, child protection or criminal investigations are also dealt with through separate specific procedures.

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

2. Expectations Under This Procedure When you bring a complaint to us under this procedure, you may expect The Axholme Academy to:

- Take your complaint seriously;
- Treat you with courtesy and respect;
- Deal with it with discretion and confidentiality (if the matter relates to the safety and

wellbeing of a child then we reserve the right to share details with other agencies);

- Offer you the opportunity to be accompanied at meetings, including Stage 3 panels. Additionally, in the event of a language barrier a translator may attend and in the event that you suffer from a disability requiring reasonable adjustments a person may attend to assist with any physical or mental impairment; *Note: this procedure does not allow for representatives to be present at meetings including the Stage 3 panel.*

- Meet the timescales set unless there is good reasons to extend these – in which case you will be informed;

- Seek and offer resolution at all stages;

- Inform you of the action taken to resolve your complaint and of any measures to ensure that a similar complaint does not arise in the future.

In turn, we expect that:

- Our staff will be treated with respect;

- You will be mindful of the need to keep information relating to children confidential in the interests of all our students;

- That you will enter into the procedure in the spirit of seeking resolution;

- If The Axholme Academy considers that disciplinary action may be necessary against an employee, then this will deal with this under the disciplinary procedures and will be managed in confidence without this being disclosed to the complainant

All complaints must be considered fully at the informal (Stage 1) and formal investigation (Stage 2) stages before they can be progressed to a formal complaint panel (Stage 3).

Should a complainant refuse to engage with the complaints process or provide information required at each stage in order to achieve a resolution then The Axholme Academy may determine that the complaint cannot be progressed to the next stage. Any such decision will be taken by the academy Chair/Vice Chair of Governors. The complainant will be informed of any such decision but the decision is final.

If, after completing the complaints process the complainant continues to raise the same issue it is reasonable for the academy Chair of Governors to inform them in writing that the procedure has been exhausted and that the matter is now closed.

In the unlikely event that anyone bringing a complaint is considered by The Axholme Academy to be acting unreasonably or that the complaint is malicious or vexatious, then prompt action will be taken and appropriate restrictions may be imposed. This may include investigating the complaint without including the complainant in the investigatory process or closing down the complaint. It may also include taking legal action against the complainant. Further information on what may be considered to be malicious or vexatious behaviour is attached at Annex D.

The use of social media to make disparaging or disrespectful comments about individuals or The Axholme Academy may be considered to be malicious or vexatious behaviour.

3. How to Report a Complaint Stage 1 - Informal Concerns or Complaints Concerns or complaints should initially be discussed informally with the relevant employee or representative, for example the subject teacher or form tutor, with a view to resolving the issue. There is no need at this stage for the complaint to be made in writing, however The Axholme Academy employee/representative will make a note of any agreed actions using the form at Annex A and this will be retained as a record.

If the complaint has already been discussed with the relevant employee, or that would be inappropriate, a senior manager (for instance the Principal or another senior manager) will discuss the complaint again with you with a view to seeking to resolve the matter informally.

We would expect the vast majority of concerns or complaints to be resolved at this early stage.

In the unusual event that your complaint remains unresolved after these discussions then you may put your complaint in writing and this will be handled under Stage 2.

Stage 2 - Formal Complaint Investigation If your complaint cannot be resolved informally, then you will be given the opportunity to put it formally in writing using the form at Annex B. You will need to send this to the Complaints Coordinator **within 10 school days** of the conclusion of Stage 1.

Following this, an appropriate person (the Investigating Officer) will be appointed to investigate your complaint further who will:

- Acknowledge your complaint **within 5 school days**.
- Investigate the complaint and then decide how best to resolve it within a further **20 school days**.
- Provide a written response to you outlining how the investigation was conducted and the outcome of the complaint, as well as offering you an opportunity to discuss the outcome if appropriate. This will normally be **within 5 school days** of completing the investigation.
- Advise you on the next steps if after this review your complaint has not been resolved which will be covered under Stage 3.

Stage 3 - Formal Complaint Panel If your complaint has not been resolved at Stage 2 then you may write **within 10 school days** of the notification of the Stage 2 outcome to the Complaints Co-ordinator requesting a Formal Complaints Panel and explaining why you feel that your complaint has not been fully addressed at Stage 2. You should do this using the reporting form at Annex C.

Your request will be acknowledged **within 5 school days** and you will be informed of the arrangements for the Formal Complaint Panel.

A meeting of the Panel will be convened normally **within 20 school days** of your request.

Where you are not satisfied with the response to the complaint made the academy will make provision for a hearing before a panel appointed by or on behalf of the proprietor. The Panel

will consist of a minimum of three people who have not been directly involved in the matters detailed in the complaint. The panel will make findings and recommendations where a copy of those findings and recommendations is provided to the complainant and, where relevant, the person complained about.

The Panel will consider the following:

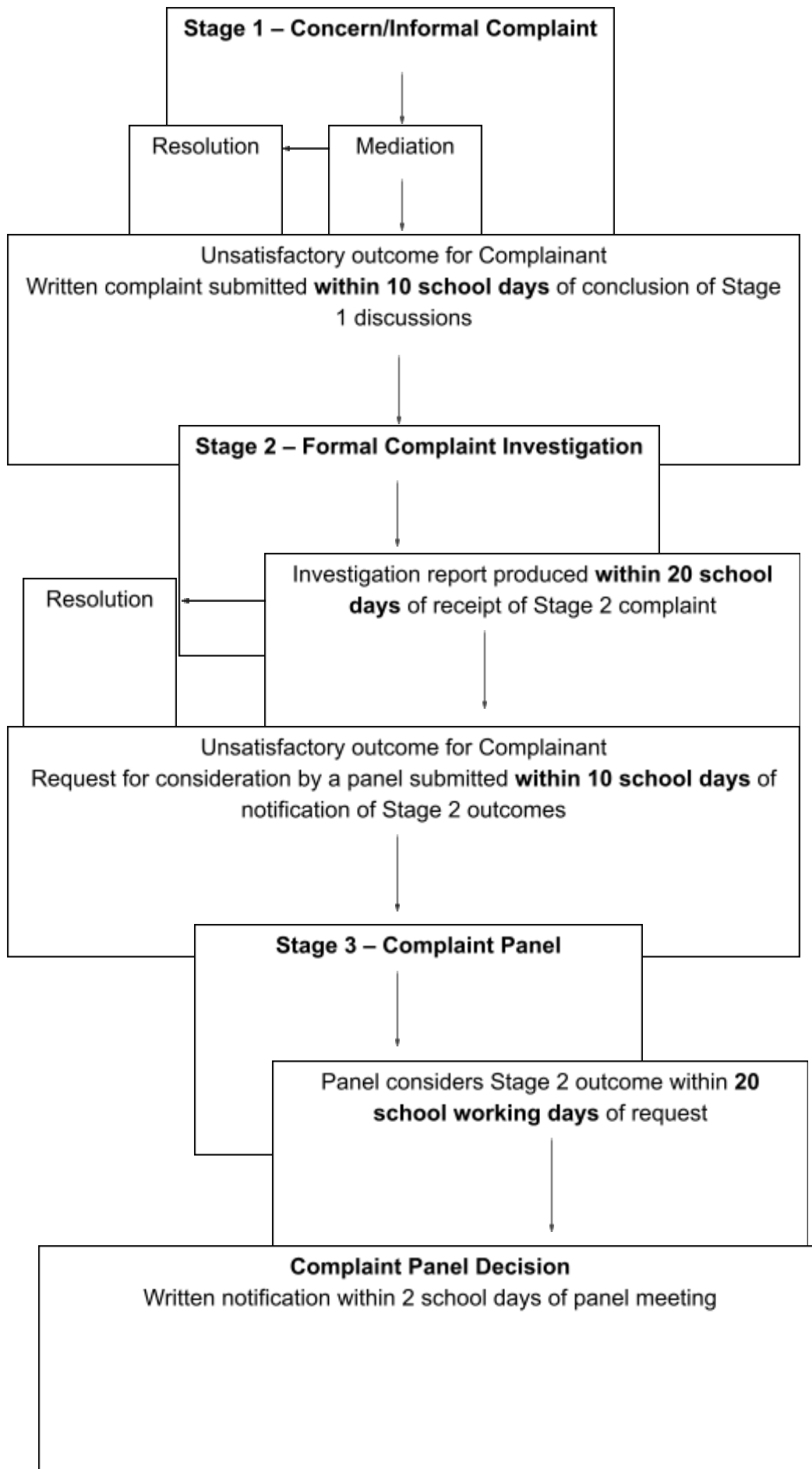
- any appropriate action to be taken to resolve the complaint;
- whether to dismiss the complaint in whole or in part;
- whether to uphold the complaint in whole or in part;
- whether changes to academy procedures in the future may be necessary.

The Panel will take into account whether the complaint has been handled properly and reasonably in accordance with this procedure and whether the Stage 2 outcome was reasonable and appropriate.

You will normally be informed of the outcome at the end of the Formal Panel and this will be confirmed in writing within 7 school days. You will receive a copy of the findings and recommendations made by the panel, and that these will be retained at the academy.

The decision of the Panel is Final.

4. Taking your Complaint Further Although the decision of the Panel is final under this procedure, if you consider that the academy or their representatives are proposing to act unreasonably, or have failed to carry out their statutory duties then you may write to the Secretary of State for Education via the Education & Skills Funding Agency (ESFA). Further details can be found at: <https://www.gov.uk/complain-about-school>



Complaint relates to	Stage 1: Informal	Stage 2: Formal Investigating Officer	Stage 3: Complaint Panel
Pupils, parents or staff (other than the Principal)	The appropriate member of staff	The Principal or other Senior Manager	Panel appointed by the Chair of Governors and including one member independent from the running and management of the academy
The Principal	The Principal	The Chair of Governors or another nominated non-staff Governor	Panel appointed by the Vice Chair of Governors. Panel to include one member independent from the running and management of the academy
A Governor or Governors (other than the Chair of Governors)	The Chair of Governors	Another nominated non-staff Governor	Panel appointed by the Vice Chair of Governors. Panel to include one member independent from the running and management of the academy
The Chair of Governors (or a group of Governors including the Chair of Governors)	The Vice Chair of Governors	Another nominated non-staff Governor	Panel appointed by the Vice Chair of Governors. Panel to include one member independent from the running and management of the academy
The whole body of Governors		Chair of the Academy	A panel appointed by the Chair of the Academy. Panel to include one member independent from the running and management of the academy.

Note: Governors will not be part of any Stage 3 panel if involved in any of the previous management stages.

Annex A

Stage 1 - Initial Record of concern/complaint

Academy	
Name of Complainant	
Name of Child	
Date of Contact	
Nature of Concern	
Actions Taken	
Signature	
Date	

Annex B

Stage 2 - Complainant Form

Please complete and return to the Complaints Co-ordinator who will acknowledge receipt and explain what action will be taken.

Your Name:
Student Name:
Your relationship to the student:
Address: Postcode: Contact Number: Email Address:
Please give details of your complaint:
What action, if any, have you already taken to try and resolve your complaint? (Who did you speak to and what was their response):
What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details:

Signature:

Date:

FOR OFFICE USE ONLY

Date acknowledgment sent:

By who:

Complaint referred to:

Date:

Annex C

Stage 3 - Complainant Form

Please complete and return to the Complaints Co-ordinator who will acknowledge receipt and explain what action will be taken.

Your Name:
Student Name:
Your relationship to the student:
Address: Postcode: Contact Number: Email Address:
Please confirm that you request for your complaint to be taken to a Stage 3 panel:
Please provide details of why you were dissatisfied with the outcome of the Stage 2 investigation:
What actions do you feel might resolve the problem at this stage?
Signature: Date:

Annex D

Procedure for Dealing with Unreasonably Persistent (Vexatious) Complainants

Introduction

1. The majority of people with complaints or concerns about The Axholme Academy behave reasonably in pursuing their complaint. This means that they:

- treat all academy staff with courtesy and respect;
- respect the needs of pupils and staff within the academy;
- avoid the use of violence (including threats of violence) towards people and property;
- recognise the time constraints under which members of staff work and allow the academy a reasonable time to respond to a complaint;
- recognise that resolving a specific problem can sometimes take some time;
- follow the complaints process.

2. However, sometimes academies have to deal with **complainants that are unreasonably persistent**.

Definitions

3. An “**unreasonably persistent complainant**” is defined as follows:

‘An unreasonably persistent complainant is a person who complains about issues, either formally or informally, or frequently raises issues that he/she considers to be within the remit of the academy and whose behaviour is unreasonable. Such behaviour may be characterised by:

- actions which are obsessive, persistent, harassing, prolific, repetitious; and/or
- prolific correspondence or excessive e-mail or telephone contact about a concern or complaint; and/or
- an insistence upon pursuing invalid or unmeritorious complaints and/or unrealistic or unreasonable outcomes; and/or
- an insistence upon pursuing valid or meritorious complaints in an unreasonable manner.’

4. “**Harassment**” is defined as follows:

Harassment is the unreasonable pursuit of the actions listed above in (3) in such a way that they:

- appear to be targeted over a significant period of time on one or more members of The Axholme Academy staff; and/or
- cause ongoing distress to individual member(s) of The Axholme Academy staff; and/or

- have a significant adverse effect on the whole/parts of The Axholme Academy;
and/or
- are pursued aggressively

Deciding whether a complainant should be deemed an unreasonably persistent complainant

5. The Principal [with the agreement of the Chair of Governors], may deem a complainant to be an unreasonably persistent complainant.

6. The Principal/Chair of Governors will ensure that there is sufficient evidence available to justify the decision. They will take legal advice to confirm that the evidence is sufficient.

Action that can be taken where a complainant is deemed to be persistent and or unreasonably

7. Where the complaints procedure has been exhausted but the complainant remains dissatisfied and continues correspondence making substantially the same points or where they attempt to re-open the same issue The Axholme Academy, through the Chair of Governors, may write to them informing them that the matter is now closed.

If they continue to correspond on the same issue The Axholme Academy could go further and take the decision to cease responding. This decision must be based on the understanding that the academy has taken every reasonable step to address the complainant's needs and they have been given a clear statement of the academy's position.

If an individual is persistently raising complaints and this is disruptive The Axholme Academy may impose restrictions on communications with them. The academy will write to the complainant to explain the decision and the way that future complaints will be dealt with. Any restrictions imposed will be appropriate and proportionate but may include, depending on the particular circumstances of the case:

- insisting that no member of staff should meet the complainant on his/her own;
- restricting telephone calls from the complainant to specified days, times and possibly a set number of contacts per term;
- requiring that all future contacts with the academy are in writing, except in emergencies; this includes contacts with members of the governing body, who should only be contacted at the academy's address;
- merely acknowledging correspondence from the complainant that raises issues that have already been dealt with;

Dealing with cases of harassment of school staff

8. Where a complainant persists to the point that The Axholme Academy considers it to constitute harassment of an employee swift and decisive action will be undertaken. Legal advice will be sought at the earliest opportunity. Action may include an injunction or other

court order being issued to complainants because of their behaviour.

Barring from School Premises

9. Whilst academies fulfil a public function they are private places and the public have no automatic right of entry. Academies must ensure they remain a safe place for pupils, staff and other members of their community.

If an individual's behaviour is a cause for concern the academy may ask them to leave the academy premises.

In serious cases such as where the behaviour is causing distress to others the academy may also consider barring the individual from academy premises.

New Complaints from Unreasonably Persistent Complainants

10. Regardless of whether there is a correspondence or contact restriction in place against an individual any **new and substantive issues** raised by the complainant will be treated on their merits and considered by The Axholme Academy.