



The Boston Witham Academies Federation

FISHTOFT ACADEMY COMPLAINTS PROCEDURE

The Boston Witham Academies Federation (Trust) strives to deliver the best possible education to all our pupils and to care properly for their health, safety and welfare at all times. All the staff in our Academies, teaching and non-teaching, are dedicated to achieving this aim.

From time to time, however, it is possible that you may feel that we have not lived up to your expectations. **If this is the case, please tell us.** If you do not tell us, we will not be aware of your concern, and if we are not aware of it there is little we can do to set things right. Fishtoft Academy upholds a three-month time limit in which a complaint can be lodged regarding an incident. Complaints made outside the time limit will not be automatically refused and exceptions will be considered.

If you have any worry or concern about what is happening in the Academy PLEASE TELL US AT ONCE. We operate an ‘open door’ policy in the hope that our community feels welcome and able to contact us freely about concerns.

Sometimes parents/carers have said that they would not like to “make a fuss” as they feel that their child may suffer in some way as a consequence. Every single member of staff in our federation has declared their determination that this will never be the case.

The academy has adopted a ‘complaints procedure’ which gives helpful information on the best way of expressing any concerns that you may have. The complaints procedure is published on the academies website and a hard copy is made available to parents/carers on request. Please note that this complaints procedure does not cover complaints about other parents/carers. Please take the time to read the procedure which follows before contacting the academy.

Fishtoft Academy will ensure that all aspects of the complaints procedure are:

- Easily accessible and publicised
- Simple to understand and put into practice
- Impartial and fair to all parties involved
- Respectful of confidentiality duties
- Continuously under improvement, using information gathered during the procedure to inform the school’s senior management
- Fairly investigated, by an independent person when necessary
- Used to address all issues in order to provide appropriate and effective responses where necessary

1. THE FIRST STEP-Informal

The complaints procedure allows for complaints to be made and considered initially on an informal basis. If parents/carers are unhappy with anything about the academy, they are encouraged to raise this with the relevant class teacher by telephone 01205 363139 or email fishtoft@bwaf.net. A response from the class teacher is expected to take place where possible on the first day where a concern is raised but not exceeding two school working days. You may find that the issue has been referred to another member of staff better placed to deal with it but you will always get a response within the time set above. We would hope that most concerns can be resolved in this way. If you are not the parent/carer of a child at our academy, please start at the second step and make contact with the Head of Academy to discuss your concerns.

2. THE SECOND STEP-Informal

If, after speaking to the relevant class teacher, it is felt that the complaint has not been properly dealt with, or if a concern is about the conduct of the relevant class teacher then a member of the Senior Leadership Team should be contacted by telephone 01205 363139 or email fishtoft@bwaf.net. The complaint should be resolved within 2 school working days. In most cases matters can be resolved in this way.

If the complaint involves a member of the Senior Management Team then the matter should be taken to the Head of Academy. If the complaint relates to the Head of Academy, then the matter should be taken to the CEO. These staff can be contacted by telephone 01205 311979 or email enquiries@bwaf.net. This should be resolved within 2 school working days.

3. THE THIRD STEP-Formal

In exceptional circumstances, a parent/carer may feel that his/her complaint has not been resolved through the above stages, in which case he/she may wish to pursue the matter further and more formally. If this is the case, a written complaint to the Head of Academy should be made. A written acknowledgement will be sent by the Head of Academy or Chair of Governors within 5 school working days. The acknowledgement letter will also indicate the date by which a written response will be sent by the Head of Academy. This will normally be within 10 school working days from the acknowledgment of the letter.

If the complaint is about the Head of Academy, then a written complaint to the CEO should be made. A written acknowledgement will be sent by the CEO or Chair of Governors within 5 school working days. The acknowledgement letter will also indicate the date by which a written response will be sent by the CEO. This will normally be

within 10 school working days from the acknowledgment of the letter.

If the complaint is about the conduct of the CEO/VCEO, then a written complaint to the Chair of Directors should be made. A written acknowledgement will be sent by the Chair of Directors within 5 school working days. The acknowledgement letter will also indicate the date by which a written response will be sent by the Chair of Directors. This will normally be within 10 school working days from the acknowledgment of the letter.

4. TAKING MATTERS FURTHER- Complaints Appeal Panel

Head of Academy

If the complainant is dissatisfied with the Head of Academy's response to the formal complaint letter, the Chair of the Local Governing Body should be contacted, via the Clerk to Governors.

Written details of the complaint should be sent to the Clerk to the Local Governing Body, at the academy address marked 'Private and Confidential'. If, for some reason the complainant feels unable to do so, they should contact the Clerk via the academy by telephone 01205 311979. The Clerk will help to produce a typewritten statement for the complainant to sign. The Clerk will ensure that the complaint process is started as soon as practicable. The Clerk to Governors will write to acknowledge receipt of the complaint within 5 school working days. The acknowledgment letter will explain the process which is to be followed and the expected timescale for this process- please see section 'Governors' Complaints Committee Procedure'. Where your complaint is considered under written representation, this process may take up to 25 school working days to allow for the collection of representations and evidence.

The Local Governing Body will invite the complainant to attend a hearing before a panel of three Governors who form a complaints committee to adjudicate upon the complaint. The Governors on a hearing panel will not have been involved in previous consideration of the complaint. Where a panel is convened one member will be independent of the management and running of the academy. The Clerk will write within 15 school working days to confirm when the panel will be held giving 10 school working days' notice. Parents will be invited to attend and can be accompanied if they wish. If parents do not wish to attend, the panel will continue to meet as planned.

During the panel meeting representations can be made by the complainant, Head of Academy, parents and pupil where relevant. The complaints committee will decide following hearing evidence from all relevant parties. Either the complainant or the Head of Academy will be entitled to bring a representative with them if they wish. Either party intending to bring a legal representative would be expected to contact the Clerk to the Governors prior to the hearing to notify them of the same.

The complaints committee must take a robust approach and not simply endorse the Head of Academy's decision without any consideration of the evidence. The complaints committee must have all necessary evidence to make a decision. If they are not satisfied and require evidence from either party, they should adjourn and request that information.

The complaints committee should only make their decision if they are satisfied they have sufficient evidence with which to make a final decision.

The decision of the complaints committee should be given to the complainant in writing within five school working days of the decision outlining findings and recommendations, where relevant a copy will be provided to the person complained about and made available for inspection on the academy premises by the proprietor and Head of Academy. Providing the procedures as laid down in the complaints policy are followed there is no right of appeal following the decision. The decision letter should outline the nature of the complaint, factors taken into consideration and the decision of the complaints committee. There is therefore no need for minutes to be disclosed.

The structure of such a meeting should be flexible. However, it is anticipated it would follow a similar process to exclusion or admission appeals. The complaint would be put to the complaints committee who would then have the opportunity to ask any questions, as would the Head of Academy. The complaint would then be responded to by the Head of Academy with questions being permitted by the complainant and the committee. Each party would then summarise their position. Both parties would then withdraw to allow the committee to make their decision in private. A written decision letter should be forwarded to the complainant and Head of Academy within 5 school working days of that decision being made.

CEO

If the complainant is dissatisfied with the CEO's response to the formal complaint letter, the Chair of the Directors should be contacted, via the Clerk to Directors.

Written details of the complaint should be sent to the Clerk to Directors, at the trust address marked 'Private and Confidential'. If, for some reason the complainant feels unable to do so, they should contact the Clerk via the academy by telephone 01205 311979. The Clerk will help to produce a typewritten statement for the complainant to sign. The Clerk will ensure that the complaint process is started as soon as practicable. The Clerk to Directors will write to acknowledge receipt of the complaint within 5 school working days. The acknowledgment letter will explain the process which is to be followed and the expected timescale for this process- please see section 'Governors' Complaints Committee Procedure'. Where your complaint is considered under written representation, this process may take up to 25 school working days to allow for the collection of representations and evidence.

The Board of Directors will invite the complainant to attend a hearing before a panel of three Directors who form a complaints committee to adjudicate upon the complaint. The Directors on a hearing panel will not have been involved in previous consideration of the complaint. Where a panel is convened one member will be independent of the management and running of the trust. The Clerk will write within 15 school working days to confirm when the panel will be held giving 10 school working days notice. Parents will be invited to attend and can be accompanied if they wish. If parents do not wish to attend, the panel will continue to meet as planned.

During the panel meeting representations can be made by the complainant, CEO, parents and pupil where relevant. The complaints committee will decide following hearing

evidence from all relevant parties. Either the complainant or the CEO will be entitled to bring a representative with them if they wish. Either party intending to bring a legal representative would be expected to contact the Clerk to the Directors prior to the hearing to notify them of the same.

The complaints committee must take a robust approach and not simply endorse the CEO's decision without any consideration of the evidence. The complaints committee must have all necessary evidence to make a decision. If they are not satisfied and require evidence from either party, they should adjourn and request that information. The complaints committee should only make their decision if they are satisfied they have sufficient evidence with which to make a final decision.

The decision of the complaints committee should be given to the complainant in writing within five school working days of the decision outlining findings and recommendations, where relevant a copy will be provided to the person complained about and made available for inspection on the academy premises by the proprietor and CEO. Providing the procedures as laid down in the complaints policy are followed there is no right of appeal following the decision. The decision letter should outline the nature of the complaint, factors taken into consideration and the decision of the complaints committee. There is therefore no need for minutes to be disclosed.

The structure of such a meeting should be flexible. However, it is anticipated it would follow a similar process to exclusion or admission appeals. The complaint would be put to the complaints committee who would then have the opportunity to ask any questions, as would the CEO. The complaint would then be responded to by the CEO with questions being permitted by the complainant and the committee. Each party would then summarise their position. Both parties would then withdraw to allow the committee to make their decision in private. A written decision letter should be forwarded to the complainant and CEO within 5 school working days of that decision being made.

Complaints against Individual Governor or Director

For complaints against a director or governor, a written complaint, along with any correspondence and evidence to support your complaint, would be sent to the Clerk of Governors/Directors. If, for some reason the complainant feels unable to do so, they should contact the Clerk via the academy by telephone 01205 311979. The Clerk will help to produce a typewritten statement for the complainant to sign.

The Clerk will acknowledge receipt of your complaint within five school working days, and initiate the correct process. The Chair of Governors/Directors will consider complaints against an individual governor/director.

If the complaint is against the Chair of Governors, the process will be conducted by the Chair of Directors. If the complaint is against the Chair of Directors, the process will be conducted by the trust members.

You will receive a letter within 10 school working date advising you of the outcome. There will be no further internal right of appeal for complaints against individual governors/directors.

Complaint Procedure Timescales

We will use our best endeavours to address complaints in a timely and efficient manner; however, there will be times when timescales may need to be adjusted. If, at any stage of the process, we believe we are unable to meet the timescales which have been provided to you, the Clerk will contact you to explain the reasons for any delay and to provide you with a new timescale for the conclusion of that part of the process.

External Appeal

If the complainant following a hearing does not believe that the matter has been resolved satisfactorily by the Local Governing Body or Directors, this will be referred to the Education & Skills Funding Agency. The complaint must be made in writing either by post to:

School Complaints Team
Department for Education
Castle View House
East Lane
Runcorn
WA7 2GJ

Or by using the Department for Education's online School Complaints Form
<https://www.gov.uk/complain-about-school>

Written records will be kept of all complaints, indicating whether they were resolved at the preliminary stage, when a complaint is submitted in writing or whether they proceed to a panel hearing.

Correspondence, statements and records of complaints are to be kept confidential. Please note that this does not apply to the requirement of the academy to provide parents and other interested parties with information about the number of complaints registered under the formal procedure during the preceding year, nor to inspectors conducting inspection under section 162A of the Education Act 2002, or to the Secretary of State, should they ask for access to such records.

It is important that the complaint and the investigation papers are not attached to the pupil's file. They should be filed by the Clerk to the Governors/Directors in the Local Governing Body/Board of Directors filing system,

Clerk to the Local Governing Body
The Boston Witham Academies Federation, Marian Road, Boston, PE21 9HB
Tel: 01205 311979
Clerk to the Board of Directors
The Boston Witham Academies Federation, Marian Road, Boston, PE21 9HB
Tel: 01205 311979

Next Review June 2019, taking into account the latest guidance issued by the DfE

APPENDIX

TIME LIMITS

You should make the academy aware of your complaint as soon as possible after the matter of incident has occurred that you wish to complain about. Usually, we would expect you to do this within three months of the incident occurring and if you do not contact the academy within that time, we will not usually consider your complaint.

If your complaint relates to a continuing act, then occurrences outside of the three month time limit will usually be considered alongside the more recent occurrence.

If you feel there are exceptional circumstances that have prevented you from meeting the time limit, you can provide an explanation of these circumstances along with your complaint so that Governors can take them in to account.

The final decision rests with Governors as to whether your complaint will be considered when it is raised outside of the three-month time limit.

The academy expects that any person wishing to raise a concern or complaint will:

- Follow the academy complaints procedure
- Treat all members of the academy community with courtesy and respect
- Recognise the time constraints that staff operate under and allow them a reasonable amount of time in which to respond/address any issues.

GOVERNORS COMPLAINTS COMMITTEE PROCEDURE

General Principles

- If a person is not satisfied with the response from the Head of Academy, or from the CEO, then he/she is entitled to take the complaint to the Local Governing Body's/Board of Directors Complaints Committee.
- All complaints to the Local Governing Body's/Board of Directors Complaints Committee must be in writing and should include full details of the complaint, along with any supporting evidence. This should be sent to the Clerk to the Governors/Directors, care of the academy. The Clerk will then ensure the complaints process is started as soon as practicable. If for some reason you do not feel able to put your complaint in writing, please contact the Clerk to arrange an alternative means of capturing your complaint.
- A minimum of three governors/directors should be selected from a bank of nominated governors/directors to form the Complaints Committee to consider the complaint. The Chair of Governors/Directors will not usually sit on this committee. Those governors/directors chosen should ideally have no knowledge whatsoever of the details surrounding the complaint or of the complainant themselves. The Complaints Committee can choose its own Chair.

- A minimum of three directors should be selected from a bank of nominated directors to form the Complaints Committee to consider the complaint. The Chair of Directors will not usually sit on this committee. Those directors chosen should ideally have no knowledge whatsoever of the details surrounding the complaint or of the complainant themselves. The Complaints Committee can choose its own Chair.
- It is appreciated that it may not always be possible to find governors/directors with no knowledge at all. However, the Local Governing Body/Board of Directors should use their best endeavours to find governors who are as impartial as can be. If this proves particularly difficult in any given case, the Clerk to Governors/Directors should contact Legal Services for further advice on how to proceed.
- Once the Complaints Committee has been formed, members of the Complaints Committee must ensure they are familiar with the academy's complaints procedure. They must then decide how they wish to consider the complaint.
- Governors/Directors effectively have two options available. They can choose to deal with the complaint by means of an oral hearing or through written representations, but in making their decision they must be sensitive to any needs the complainant has.

Oral Hearings

- If the governors choose to have an oral hearing, the Clerk to Governors will invite the complainant to attend a meeting where they will be able to put their complaint personally to the Governors' Complaints Committee. The complainant should receive not less than ten days' notice of the meeting (calendar days). The complainant should also be advised that they have the right to submit any further information or documentation relevant to the complaint and that this information should be received in sufficient time so it can be provided to the Committee at least five school working days before the hearing. They should also be informed that any written materials will be provided to the Head of Academy in advance of the hearing.
- The Clerk to Governors should inform the Head of Academy of the time and date of the meeting, invite him/her to attend and provide all the details of the complaint available at that time, so that the Head of Academy can provide a written report in response to the complaint. This report should be provided at least five school working days before the meeting so it can be shared with all parties.
- The Head of Academy should attend the oral hearing to respond to the complaint. Teachers should not attend. If their evidence is needed, it should either be obtained via the Head of Academy, or where this is not appropriate, by a governor either before or after the meeting with the complainant. Written evidence should generally be made available to all parties at least five school working days in advance of the hearing, subject to any data protection constraints. Governors should seek advice from the Legal Services Officer with responsibility for Data Protection matters if there are concerns as to what materials can be shared. The governors will only make a decision about the complaint once they have heard the complainant's and the school's evidence.
- The structure of such a meeting should be flexible. However, it is anticipated it will follow a similar process to admission appeals. The Chair of the Committee should outline

the procedure. The complainant will then present his/her case. The Complaints Committee should have familiarised themselves with the written complaint before the meeting opens and will then have an opportunity to ask any questions, as will the Head of Academy. The complaint should then be responded to by the Head of Academy and both the complainant and the Committee will have the opportunity to ask questions. Each party can then be asked to summarise their position in brief. Both parties will then leave to allow the Committee members to make their decision in private. The complainant and the Head of Academy should enter and leave the room at the same time; neither should be alone with the Committee.

- Both the complainant and Head of Academy are entitled to bring a representative with them if they wish. Although it would not normally be necessary, either party may bring a legal representative if they wish. Either party intending to bring a representative would be expected to contact the Clerk to the Governors before the hearing to notify them.
- The hearing should be clerked and the DfE advise that it is best practice to share copies of the minutes with all parties involved in the hearing; affording them a reasonable opportunity to agree and if necessary challenge their content.

Written Representations

- If the governors/directors do not wish to hold an oral hearing - that decision being at the discretion of the Complaints Committee - the consideration will proceed by way of written representations.
- Should the governors/directors choose to adopt this procedure, the Clerk to the Governors/Directors will write to the complainant, outlining the procedure.
- The complaint will be forwarded to the Head of Academy who will then have 7 school working days in which to respond.
- That response will then, in turn, be sent to the complainant for comment, any responses to be provided within 7 school working days.
- Finally, that response will go to the Head of Academy who has 7 school working days in which to respond to the Clerk.
- A copy of the Head of Academy's final response should be sent to the complainant. with the advice that it is only for their information and that any further response will not be considered except in exceptional circumstances.
- All the responses are then put before the Complaints Committee for consideration.
- For the avoidance of doubt, all communication should be through the Clerk to the Governors/Directors, neither party should send their response to the other directly.

Adjudications

- Regardless of which method is adopted, the Complaints Committee should take a robust approach and not simply endorse the decision of the Head of Academy/CEO without any consideration of the evidence.
- The Complaints Committee must have all the necessary evidence they feel is necessary for them to make their decision. If they are not satisfied and require further evidence from either party, they should adjourn and request that information. The Complaints Committee should only make their decision if they are satisfied they have sufficient evidence with which to make a final decision.
- The decision of the Complaints Committee should be given to the complainant in writing within 5 school working days of the decision. Providing the procedures as laid down in the complaints policy are followed then there is no right of appeal following this decision.
- The decision letter should outline the nature of the complaint, the factors taken into consideration and the decision of the Complaints Committee. In the case of written representations, the decision letter should be sufficiently thorough so as to obviate the need for minutes to include any other information.

It is important that the complaint and associated papers are not attached to a child's file as they do not relate to the child. Fishtoft Academy will not deny any individual access to information that they have a right to under the The Education (Pupil Information) (England) Regulations 2005.

The academy is advised to keep a central register of complaints received. The DfE advise that the monitoring and review of complaints can be a useful tool in evaluating a school's performance.

UNREASONABLE COMPLAINANT BEHAVIOUR

Fishtoft Academy 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.

Fishtoft Academy 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 complaints procedure has been fully and properly implemented and completed including referral to the DfE.
- 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.

Where a person raises a complaint in a manner which the academy feels is unreasonable, actions may be taken to remedy this. The actions will be proportionate to the nature of the behaviour and may include:

- An informal approach to inform the person that the behaviour is unacceptable and needs to be modified
- A formal written communication advising the person that the behaviour is unacceptable and appropriate action may be taken if the behaviour is not modified

- Setting limitations on the method and frequency of contact with staff/academy personnel
- Refusing to register and process further complaints about the same or similar subject matter where the matter has already been determined, or where complaints are vexatious, or where complaints are personally harassing and deliberately targeted at one or more members of staff without good cause
- Setting limitations on the person's access to the academy site

It should be noted that parents do not have an automatic right to enter academy grounds and may be banned from entering the academy site with immediate effect after an incident where behaviour has been verbally and/or physically aggressive. Any such restrictions placed on a parent as a result of this policy will be time limited, with a specified date as to when the restrictions will be reviewed and potentially lifted.

Again, we would emphasise that the Chief Executive Officer, Head of Academy, Board of Directors and Governing Body are committed to ensuring a full and fair consideration of all legitimate complaints and we recognise that the majority of parents will conduct themselves in accordance with this policy. However, we reserve the right to take any necessary actions under this policy in those rare cases where a parent does not.