



# ST GEORGE'S ACADEMY

## COMPLAINTS POLICY

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### Policy Statement

Background	Our school aims to meet its statutory obligations when responding to complaints from parents of pupils at the school, and others who do not have a direct connection with the Academy. It is hoped that any individuals who have concerns or have any issue with the Academy will be able to raise these issues with a view to reaching a satisfactory outcome.
Statement	This Policy applies to any complaints made to the Academy, including parental complaints, but excluding those listed in section 1.4. This Policy meets the requirements set out in part 7 of the schedule to <a href="#">the Education (Independent School Standards) Regulations 2014</a> . It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on <a href="#">creating a complaints procedure that complies with the above regulations</a> , and refers to <a href="#">good practice guidance on setting up complaints procedures</a> from the Department for Education (DfE).
Responsibilities	The Finance and General Purposes Operational Committee has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. This committee delegates day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Principal and the HR Manager. Leaders and Managers have a specific responsibility to ensure the fair application of this policy and all staff members are responsible for supporting colleagues and ensuring its success.
Target Audience	This policy is intended to be used by any individual or organisation which wishes to make a complaint about the Academy.
Training	Further guidance and advice will be available via the HR Manager.
Dissemination	X Drive
Equality and Diversity	As part of our on-going commitment to promoting equality and valuing diversity, St George's Academy is committed to eliminating discrimination against any individual on the grounds of the nine protected characteristics defined by the Equality Act 2010 age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.



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### 1. Introduction

1.1 This policy aims to provide a process to resolve individual complaints in a manner which is as fair and expeditious as possible.

1.2 When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Find a solution to individual complaints as early in the procedure as possible
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect Complainants' desire for confidentiality to the extent practicable
- Treat Complainants with respect and courtesy
- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate
- Keep Complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

1.3 Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

1.4 This policy is intended to be used by any individual or organisation which wishes to make a complaint about the Academy. This policy is not intended to be used in complaints relating to:

- Complaints from members of staff – please refer to our relevant staff grievance policy
- Staff conduct – where appropriate, complaints regarding staff members will be dealt with under the Academy's staff disciplinary procedure
- Admissions
- Complaints about services from service providers who may use Academy premises or facilities – please contact the service provider directly
- Exclusions
- Academy re-organisation proposals
- Statutory assessments of Special Educational Needs (SEN)
- Matters likely to require a Child Protection Investigation
- Whistleblowing – please refer to our Whistleblowing Policy

### 2. Definitions

2.1 For the purposes of this policy the following definitions apply:

- **Concern** means 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought.'
- **Complaint** means 'an expression of dissatisfaction however made, about actions taken or a lack of action.'
- **Parent** means a current parent or carer or legal guardian.
- **The Complainant** means the individual making a complaint whether that be a parent or member of the public.
- **Academy concern/complaint** means a concern raised or complaint made about the Academy.
- **Working days** mean school days, when the academy's registers are open, i.e. during term time, excluding bank holidays and training days.



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### 3. Safeguarding

3.1 We are committed to safeguarding and promoting the welfare of all our students. If concerns raised by parents relate to a possible safeguarding issue, the matter will be referred to the Designated Safeguarding Lead on the Senior Leadership Team and will be handled in line with the Academy Child Protection and Safeguarding Policy.

### 4. Confidentiality

4.1 A written record will be kept of all complaints, along with the details of whether they were resolved at Stage 1, Stage 2, or proceeded to a panel hearing, regardless of whether the complaint is upheld. The records will include copies of letters and emails, and notes relating to meetings and phone calls. The written record will also include details of any action taken by the Academy as a result of the complaint.

4.2 Correspondence, statements and records relating to individual complaints will be kept confidential, and will be viewed only by those involved in investigating the complaint or on the Review Panel. This is except where access is requested by the Secretary of State or where disclosure is required in the course of a school's inspection or under other legal authority.

4.3 In accordance with data protection principles, our privacy notices and record retention schedule, details of individual complaints will be kept only for as long as is considered to be reasonably necessary in the circumstances.

### 5. Anonymous Complaints

5.1 Anonymous complaints will be recorded and referred to the Principal to decide whether the matters raised require further investigation.

### 6. Stage One (Informal Process)

6.1 Individuals or organisations should feel free to raise their concerns regarding the Academy with an appropriate member of staff. This can be done in person, by telephone or in writing, including email. If the Complainant is unsure of who to contact, they should contact the general telephone number or email address of the Academy. If a complaint is raised directly with the Principal, it is likely that this will be forwarded on to an appropriate member of staff to address the complaint.

6.2 If the complaint relates to the Principal, then this complaint should be directed to the Chair of Governors via the Clerk of the Governing Board.

6.3 In order to best deal with any complaints, they should be raised within three months of the issue to which they relate. If the complaint is about a series of related incidents, the complaint should be raised within three months of the last incident. The Academy may, at its discretion, consider complaints made out of this timeframe but a resolution may be more difficult to achieve.

6.4 We will consider complaints made outside of term time to have been received on the first school day after the holiday period.



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6.5 The Academy will attempt to deal with any complaint as quickly as possible. The Academy will acknowledge a complaint, in writing, usually within two working days and will respond to the Complainant usually within five working days. If it is not possible to meet these deadlines, the Complainant will be informed when they will receive a response.

6.6 Depending on the nature of the complaint, the Academy may arrange a meeting between a representative of the Academy and the Complainant.

6.7 It is hoped that the vast majority of issues will be resolved to mutual satisfaction at this stage but if a Complainant remains unsatisfied with the resolution offered, or the Academy considers that a more in-depth investigation is required, the Academy will move on to Stage Two of this procedure.

6.8 If a Complainant commences legal action against the Academy in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

6.9 If at any time the Complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

### **7. Stage Two (Formal Process)**

7.1 If a Complainant is dissatisfied with the resolution offered at Stage One of this process or the Academy believes a more in-depth investigation of the issues is required, the Complainant will be asked to set out in writing:

- The nature of their complaint and any issues which remain unresolved following the Stage One process
- What actions they would require to resolve their complaint

7.2 The complaint will be acknowledged usually within five working days of its receipt and the response will identify an Investigating Officer appointed by the Academy to deal with the complaint. The Investigating Officer will usually be a member of staff or a Governor who has had no prior involvement with the complaint.

7.3 The Investigating Officer will investigate the complaint and will, if appropriate, interview and take statements from any relevant witnesses. Where considered appropriate to support a full and thorough investigation, the Complainant will be given the opportunity to meet with the Investigating Officer to put forward their case. At this meeting the Complainant may be accompanied by a family member or a friend but not a legal representative.

7.4 The Investigating Officer will provide a written response to the Complainant, setting out an outcome to the Complainant. The response will usually be made within thirty working days of the complaint being received. If the Investigating Officer is unable to provide a response within this time, they will inform the Complainant when they will receive a response.

7.5 If the Complainant is dissatisfied with the response and outcome, they should write to the Investigating Officer within ten working days of receiving the outcome of their complaint and ask to move to Stage Three of the Complaints Process.

7.6 If no reply is received from the Complainant within the ten working days, it will be assumed that the Complainant is satisfied and the Academy will write to the Complainant confirming that the complaint has been closed with immediate effect.



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### 8. Stage Three (Review Panel)

8.1 If the Complainant has requested that the complaint be moved on to Stage Three, the Academy will write to the Complainant to provide a date on which a panel will meet to assess the Complainant's complaint. This date will usually be within thirty working days of receipt of the Complainant's request to move on to Stage Three.

8.2 The panel will usually comprise three individuals. Two of the panel members will be Governors who have had no previous knowledge or involvement in the case. A further individual, who is independent from the running and the management of the Academy, will also be appointed. As an example this could include a Governor from another local school.

8.3 The Complainant will always be invited to attend the Review Panel and may be accompanied by a family member or a friend. Representatives from the media are not permitted to attend. Representatives from the school will also be present, as appropriate.

8.4 The Complainant will be required to respond within five working days, confirming their attendance. Failure to respond will be taken as an indication that the Complainant no longer wishes to proceed with Stage 3. In this event the matter will be formally closed and the Complainant will be notified in writing of this fact.

8.5 If the Complainant rejects the offer of three proposed dates, without good reason, the meeting will proceed in the Complainant's absence on the basis of written submissions from both parties.

8.6 At least five working days (or as early as possible) before the date of the review panel, the Academy will:

- Confirm and notify the complainant of the date, time and venue of the meeting, ensuring that the venue and proceedings are accessible
- Provide copies of any relevant correspondence, reports or investigations taken into account by the Investigating Officer in coming to their decision at Stage Two. Copies of any relevant documents will be provided to all individuals due to attend the panel hearing
- Request copies of any further written material to be submitted to the panel at least 3 school days before the meeting

8.7 Any written material will usually be circulated to all parties at least two school days before the date of the meeting. The Review Panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

8.8 The Review Panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

8.9 The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a Complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

8.10 The Complainant will be given the opportunity to put forward their case regarding their complaint at this Review Panel. Representatives from the school will also have opportunity to give present their case. The panel will be minuted and minutes will be provided to the Complainant following the conclusion of the meeting.



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8.11 Usually within five working days of the date of the Review Panel, the Chair of the Review Panel will write to the Complainant and inform them of the outcome of their complaint. The written outcome will include the findings and recommendations of the panel. The decision of the Review Panel is final and there is no further right of appeal within the Academy's procedures. However Complainants may raise the matter with the Department for Education or the Education and Skills Funding Agency. A copy of the panel findings and recommendations will also be made available to the Principal of the Academy and where relevant to the person to whom the complaint relates.

### 9. Outcomes

9.1 At any of the three stages, any of the below outcomes or findings may be reached as a result of the complaint:

- The complaint requires no further action
- There is insufficient evidence to either uphold or dismiss the Complainant's complaint
- An acknowledgement that the Academy could have handled the situation differently or better
- An apology
- An explanation of steps which have been and / or will be taken to ensure the circumstances which led to the complaint will not happen again
- An agreement to review the Academy's policies in light of the complaint

9.2 If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the Education and Skills Funding Agency (ESFA). The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a school's decision about a complaint, but will intervene if a school or trust has:

- Breached a clause in its funding agreement
- Failed to act in line with its duties under education law
- Acted (or is proposing to act) unreasonably when exercising its functions

9.3 If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

9.4 For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

9.5 We will include this information in the outcome letter to complainants.

### 10. Unreasonable Complaints

10.1 The Academy is committed to dealing with all complaints fairly and impartially and for providing a high quality of service to those who complain. However, the Academy will not tolerate unacceptable behaviour towards its staff and will take action to prevent behaviour which is abusive, offensive and / or threatening.

10.2 The Academy defines unreasonable complaints as those which, because of the frequency or nature of the Complainant's contacts with the Academy, hinder the Academy's consideration of their or other people's complaints.



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10.3 Complainants should try to limit their communication with the Academy whilst their complaint is ongoing. Excessive communications from the Complainant may result in a delay regarding any decision being reached. Any Complainant who communicates with the Academy excessively may be subject to a communication plan limiting their contacts with the school.

10.4 The following behaviours exhibited by a Complainant may be considered unreasonable by the Academy but this list is not exhaustive:

- Refusing to articulate their complaint or specify its grounds or outcomes sought despite the offer of assistance
- Refusing to co-operate with this complaints procedure whilst still wishing the complaint to be resolved
- Refusing to accept that certain issues are not within the scope of this policy
- Insisting that the complaint be dealt with in ways which are incompatible with the complaints procedure or good practice
- Introducing trivial or irrelevant matters, or raising large numbers of detailed or unimportant questions
- Insisting on answers to issues raised immediately or within timeframes incompatible with this procedure
- Making unjustified complaints about staff members who are trying to deal with the complaint
- Changing the basis of the complaint as the investigation proceeds
- Repeatedly making the same complaint, despite previous investigations or responses making clear that the complaint is considered groundless or has been addressed
- Refusing to accept the findings of an investigation into that complaint when this complaints procedure has been followed and completed, notwithstanding any referral to the Secretary of State for Education
- Seeking an unrealistic outcome
- Making excessive demands on the Academy's time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint whilst it is being dealt with

10.5 A complaint may also be considered to be unreasonable if the Complainant:

- Communicates maliciously
- Communicates aggressively
- Uses threats, intimidation or violence towards any member of staff within the Academy
- Uses abusive, offensive or discriminatory language in their communication with the Academy
- Raises a complaint which they know to be false
- Uses or produces falsified information to support their complaint, and
- Publishes information regarding their complaint in any form of media such as social media, website comments sections or by approaching newspapers

10.6 Wherever possible, the Academy will discuss any concerns it has with the Complainant before applying an unreasonable classification to their complaint.

10.7 In response to any serious incidents of aggression or violence, the Academy may inform the police of the Complainant's actions and the Complainant may be barred from the Academy's premises.

## 11. Parallel Investigations

11.1 Intervention of parallel investigations relevant to the complaint by the Police or social services may cause variation to these time scales. Any such variation will be notified to the Complainant.



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Policy Developed by: Rachel Madge, HR Manager

Date Adopted: *January 2025*

Reviewing Committee: Finance and General

Frequency of Review: 2 Years

Date last reviewed: *January 2025*

To be reviewed by: *January 2027*

Name ..... *N. Harner*..... Signature .....

Committee: *Co-chair of Governors*