

Swift Academies

Complaints Procedure

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Approving Body: Board of Trustees

Committee: Standards

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This policy applies to all Trust Schools and deals with concerns and complaints other than

- Child Protection and Safeguarding issues
- External Fixed Term or Permanent Exclusions
- Admissions
- SEN Assessments
- Staff Grievance & Discipline
- Complaints about services provided by external agencies through Multi-Agency working

This policy complies with Schedule 1, Part 7 of the Education (Independent School Standards) (England) Regulations 2010, the Equality Act 2010 and Section 29 of the Education Act 2002.

English Language Requirement – Immigration Act 2016

A legitimate complaint received in respect of the above, whereby a member of the public feels that a public-facing member of staff has insufficient proficiency in English will be investigated in line with this policy and will adhere to the relevant Code of Practice.

Members of staff subject to the complaint will be notified of the complaint and given an opportunity to give their own account of the incident. A complaint will be assessed against an objective assessment of the level of fluency relevant to the role in question.

A complaint about a member of staff's accent, dialect, manner or tone of communication, origin or nationality will not be considered a legitimate complaint.

Timescales

We aim to resolve any complaints in a timely manner. Timescales for each stage of the Complaints Procedure are set out below in the relevant paragraphs. For the purposes of this policy, a "working day" is defined as a weekday during term time, when the academy is open. The definition of "working day" excludes weekends and Bank Holidays.

Policy Aim and Statement

Aim

The aim of this policy is to ensure that a concern or complaint by a parent/carer is managed sympathetically, efficiently and at the appropriate level and resolved as soon as possible.

Doing so is good practice, it is fair to those concerned and it helps to promote parents and students confidence in our ability to safeguard and promote welfare. We will try to resolve every concern or complaint in a positive way with the aim of resolving the issue in a transparent manner.

The academy expects that most concerns can be resolved informally and guarantees to treat seriously and confidentially all concerns whether raised informally or formally.

Statement

We need to know as soon as possible if there is any cause for dissatisfaction. We recognise that a difficulty that is not resolved quickly and fairly can soon become a cause of resentment, which could be damaging to relationships and also to our academy culture. We intend that parents/carers and students should never feel – or be made to feel – that a complaint will be taken amiss or will adversely affect a student or his/her opportunities at the academy. The policy, however, distinguishes between a concern or difficulty which can be resolved informally and a formal complaint which will require further investigation.

The difference between a concern and a complaint is defined in the Department for Education advice January 2016:

A 'concern' may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

A 'complaint' may be generally defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

This policy will:

- encourage resolution of problems by informal means wherever possible;
- be easily accessible and publicised;
- be simple to understand and use;
- be impartial;
- be non-adversarial;
- allow swift handling within clearly defined time-limits;
- ensure a full and fair investigation by an independent person where necessary;
- respect people's desire for confidentiality;
- address all the points at issue and provide an effective response and appropriate redress, where necessary;
- provide information to the school's Senior Leadership Team and Trustees / Governors so that services can be improved.

Resolving complaints

At each stage of the complaints process the Trust will keep in mind ways in which a complaint can be resolved including by acknowledging that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

Stages of Complaint

The complaints procedure has three stages as follows:

- Stage 1 (informal): complaint heard by staff member;
- Stage 2 (formal): complaint heard by Head Teacher/Head of School and Chair of Local Governing Board (or their designated representative from the LGB)
Complaints against the Head Teacher/Head of School will be heard by the Chief Executive and Chair of the Board of Directors (or their designated representative from the Board of Directors)
Complaints against the Chief Executive Officer will be heard by the Chair of the Board of Directors (or their designated representative from the Board of Directors);
- Stage 3 (formal): complaint heard by the Trust's Complaints Appeal Panel.

A summary of the complaints process is attached at Appendix A.

Recording Complaints

A complaint may be made in person, by telephone, in writing or by e mail. A record of all complaints together with the outcome will be maintained in each school by the Complaints Coordinator (or their designated representative). When a complaint is made it is important that as much information is collected as possible and that the complainant is offered the opportunity to identify what actions might resolve their complaint.

A form for doing this is attached at Appendix B.

Stage 1: Informal Complaints

1. **Concerns:** Most concerns, where an individual or a parent/carer seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Examples might include dissatisfaction about some aspect of teaching, student disciplinary matters or issues outside the classroom/school. Concerns should initially be raised with a member of the school's Middle or Leadership Team of the academy concerned as appropriate. The school will respect the views of a complainant who indicates that he/she

would have difficulty discussing a complaint with a particular member of staff. In these cases the complaint may be referred to another staff member. Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaint may be referred to another staff member. The school will ensure that informal complaints are resolved within 10 working days of being raised. The academy will ensure that informal complaints are resolved within 10 working days of being raised.

2. **Unresolved concerns:** A concern which has not been resolved by informal means within ten working days from the receipt of the complaint can be notified as a formal complaint in accordance with Stage 2 below.
3. **Record of concerns:** In the case of concerns raised under Stage 1 of this procedure, the only record of the concern and its resolution will be file notes by the person dealing with the complaint and/or file correspondence between the person raising the concern and the respondent.

Stage 2: Formal Complaints

1. **Notification:** An unresolved concern under Stage 1, or a complaint which needs investigation, or a more serious dissatisfaction with some aspect of the Academy's policies, procedures, management or administration should be set out in writing with full details and sent with all relevant documents and full contact details for the attention of the Head Teacher/Head of School or the Chair of the Local Governing Body, as appropriate (complaints regarding the Head Teacher/Head of School should be addressed to the Chair of the Local Governing Body, c/o the School). Complaints concerning the Chief Executive Officer should be referred to the Chair of the Board of Trustees. Should a formal written complaint be received by another member of the academy's staff, this should be immediately passed it to the Head Teacher/Head of School.
2. **Acknowledgement:** The complaint will be acknowledged in writing normally within 3 working days of receipt during term time and as soon as practicable during the holidays. The acknowledgement will indicate the action that is being taken and the likely timescale for resolution and provide a Designated Point of Contact.
3. **Investigation and resolution:** The Head Teacher/Head of School may deal with the matter personally or delegate a senior member of staff to act as "investigating officer." The "investigating officer" may request additional information from the complainant and will fully investigate the issue. In most cases the Head Teacher/Head of School or Investigating Officer will meet or speak with the parent/carer to discuss the matter. In exceptional circumstances an Independent Investigating Officer may be appointed. Further guidance for Investigating Officers is attached in Appendix C.
4. **Review:** Once the investigation is completed, the details of the case and proposed outcome will be passed to the Chief Executive Officer, except in the case where the complaint is against the Chief Executive Officer. The Chief Executive Officer may request additional investigations or actions as necessary.

5. **Outcome:** The aim is to inform any complainant of the outcome of an investigation and the resolution to the complaint within 15 working days from the receipt of the complaint. Please note that any complaint received during an academy holiday or within 15 working days of the end of term or half term may take longer to resolve.
6. **Record of complaints:** Written records will be kept of any meetings and interviews held in relation to the complaint.
7. **Unresolved Complaints:** Where the complainant is not satisfied with the academy's response to their complaint they may have their complaint considered by an independent Complaints Panel.

Stage 3 – Complaint Heard by the Complaints Panel

1. **Request:** A request for a complaint to be heard by a Complaints Panel (an appeal) must be made in writing and within 10 working days of the date of the academy decision made at Stage 2.
2. **Acknowledgement:** Where an appeal is received, the academy will within 3 working days refer the matter to the Clerk to the Board of Trustees who will act as Clerk to the Complaints Panel. The Clerk will acknowledge, in writing, receipt of the appeal within 3 working days and inform the complainant of the steps involved in the process.

The Clerk will be the contact point for the complainant.

3. **Panel Hearing:** The Clerk will aim to convene an Appeal Panel hearing as soon as possible, normally no later than 20 working days after receipt of the Stage 3 request.
4. **Panel Membership:** The Panel will consist of members of the Board of Trustees who have not previously been involved in the complaint, and one person independent of the management and running of the academy and the Trust (the process used for selecting the independent person will conform to DFE advice attached at Appendix D). The Panel will select its own Chair.
5. **The Remit of the Complaints Appeal Panel:**

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 the academy's systems or procedures to ensure that problems of a similar nature do not recur

The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the academy/Trust and the complainant. The Panel Chair will ensure that the proceedings are as informal as possible.

Attendance: The following are entitled to attend a hearing, submit written evidence and address the Panel;

- The parents/carers and/or one representative
- The Head Teacher/Head of School and/or one representative
- Any other person who the Complaints Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision making

Evidence: All parties will be given the opportunity to submit written evidence to the Panel in support of their position including;

- Documents
- Chronology and key dates
- Written statements setting out further detail

The evidence will be considered by the Panel along with the initial submission.

All written evidence must be received by the Clerk no later than 10 working days in advance of the Panel Hearing. The Clerk will distribute the evidence to all parties no later than 5 working days in advance of the Panel Hearing.

Roles and Responsibilities

The Role of the Complainant: The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:-

- Co-operates with the school in seeking a solution to the complaint;
- Expresses the complaint in full as early as possible;
- Responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- Asks for assistance as needed;
- Treats all those involved in the complaint with respect.

The Role of the Complaints Co-ordinator (Chief Executive Officer): please note that if the complaint is against the Chief Executive then an independent Complaints Co-ordinator will be nominated to fulfil this role:

- Ensure that the complainant is fully updated at each stage of the procedure;
- Ensure that all people involved in the complaint procedure are aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- Liaise with staff members, Head Teacher/Head of School, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure;
- Keep records

Be aware of issues regarding:

- Sharing third party information;
- Additional support (this may be needed by complainants when making a complaint including interpretation support)

The Role of the Investigating Officer: The Investigating Officer is the person involved at Stage 2 of the procedure. The Investigating Officer's role is to-

Provide a comprehensive, open, transparent and fair consideration of the complaint through:-

- Sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
- Consideration of records and other relevant information;
- Interviewing staff and children/young people and other people relevant to the complaint;
- Analysing information;
- Effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right;
- Identifying solutions and recommending courses of action to resolve problems;
- Being mindful of the timescales to respond; and responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they:

- Conduct interviews with an open mind and be prepared to persist in the questioning;
- Keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.

The Role of the Clerk (Clerk to the Board of Trustees): The Clerk is the contact point for the complainant for the panel meeting and is expected to:

- Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- Collate any written material and send it to the parties in advance of the hearing;
- Meet and welcome the parties as they arrive at the hearing;
- Record the proceedings
- Circulate the minutes of the panel hearing
- Notify all parties of the panel's decisions
- Liaise with the Complaints Coordinator

The Role of the Chair of the Local Governing Body or Nominated Governor:

- Check that the correct procedure has been followed;
- If a hearing is appropriate, notify the clerk to arrange the panel;

The Role of the Chair of the Panel: The Chair of the Panel has a key role in ensuring that:

- The meeting is minuted;

- The remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- The issues are addressed;
- Key findings of fact are made;
- Parents or others who may not be used to speaking at such a hearing are put at ease
- The hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- The layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial
- The panel is open minded and acting independently;
- No member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- Both the complainant and the school are given the opportunity to state their case and seek clarity;
- Written material is seen by everyone in attendance (If a new issue arises it will be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment to the hearing);
- Liaise with the Clerk and complaints co-ordinator.

The Role of the Panel Member(s): The Panellists will need to be aware that:-

- It is important that the review panel hearing is independent and impartial, and that it is seen to be so; No governor may sit on the panel if they have had prior involvement in the complaint or in the circumstances surrounding it.
- The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant; However, it must be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour, it may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- Many complainants will feel nervous and inhibited in a formal setting; Parents/carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible.
- Extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing; Careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated. The panel should respect the views of the child/young person and give them equal consideration to those of adults. If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend. The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests.
- The welfare of the child/young person is paramount.

A checklist for a Panel Hearing is attached at Appendix E.

Decision: The Panel will reach a decision, and make any recommendations within 10 working days of the hearing. The decision reached is final.

Notification of the Panel's Decision: The Panel's decision will be sent in writing by the Clerk, to the parents/carers (copied to the Head Teacher/Head of School and the Chief Executive Officer), and where relevant, to the person complained about. The letter will state the reasons for the decision reached and any recommendations made by the Panel.

Record Keeping: The Academy/Trust will keep a record of all appeals, decisions and recommendations of the Complaints Panel.

Unreasonable Complaints and Unreasonable Behaviour

There will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Local Governing Board/Board of Trustees is able to inform them in writing that the procedure has been exhausted and that the matter is now closed. If the complainant writes again on the same issue, then the correspondence may be recognised as vexatious and there will be no obligation on the part of the Academy/Trust to respond. It is important to note, however, that should a complainant raise an entirely new separate complaint that it must be responded to in accordance with this complaints procedure. Please see Appendix F for further details of how unreasonable complaints and unreasonable behaviour will be dealt with and examples of behaviour which will not be tolerated.

Anonymous Complaints: This policy encourages you to put your name to your complaint whenever possible. Concerns expressed anonymously are much less powerful and will only be considered at the discretion of the Academy. In exercising this discretion the factors to be taken into account would include :-

- (a) The seriousness of the issues raised.
- (b) The credibility of the concern.
- (c) The likelihood of confirming the complaint from attributable sources.

Other Recourse for Complaint

Complaints to the Education Standards Funding Agency

You can complain to the Education Standards Funding Agency (ESFA) if:

- there's a problem with the school's complaints procedure
- the Trust is not following the terms of its Funding Agreement

The ESFA cannot deal with all types of complaint and you may need to contact a different agency as follows:.

Complaint	Who to Contact
Data protection	Information Commissioner's Office https://ico.org.uk/concerns/handling/
Discrimination	Equality Advisory and Support Service http://www.equalityadvisoryservice.com/app/ask
Employment	an employment tribunal https://www.gov.uk/courts-tribunals/employment-tribunal
Exam malpractice or maladministration	Ofqual and the awarding body https://www.gov.uk/government/organisations/ofqual/about/complaints-procedure

Ofsted

You can complain to Ofsted about any state school if there is a problem that affects the whole school. This includes problems with the quality of education or poor management.

You should get a response within 30 working days. The response will tell you if Ofsted will investigate or not, and why.

Ofsted

enquiries@ofsted.gov.uk

Telephone: 0300 1234 234

Monday to Friday, 8am to 8pm

Download 'Complaints to Ofsted about schools' (PDF, 46KB)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/387342/Complaints_to_Ofsted_about_schools.pdf

Summary of dealing with complaints

Stage 1 – Complaint heard by a member of the Leadership Team

- Ensure complaints co-ordinator informed of outcome

If not resolved, then escalate to **Stage 2** – Complaint heard by Head Teacher/Head of School and Chair of Local Governing Board (or their designated representative from the LGB).

Complaints against the Head Teacher/Head of School will be heard by the Chief Executive and Chair of the Board of Directors (or their designated representative from the Board of Directors).

Complaints against the Chief Executive Officer will be heard by the Chair of the Board of Directors (or their designated representative from the Board of Directors).

- Acknowledge receipt of complaint
- Invite complainant to attend a meeting
- Confirm scope of the investigation with complainant
- Inform complainant of outcome of investigation
- Ensure complaints co-ordinator informed of outcome
- Offer escalation to Stage 3 if dissatisfied

If not resolved, then escalate to **Stage 3 – Complaints Panel** meeting arranged

- Issue letter inviting complainant to meeting
- Issue letter confirming panel decision
- Ensure complaints co-ordinator informed of outcome

Advise of escalation routes to the Secretary of State for Education via the Education Standards Funding Agency.

Complaint Form

Please complete and return to Head Teacher/Head of School who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Address:
Postcode:
Day time telephone number:
Evening telephone number:
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 the 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:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

Stage 2 Formal Complaints: Supplemental Guidance to Investigating Officers

Investigating Complaints General

1. It is suggested that at each stage, the person investigating the complaint (the Investigating Officer), makes sure that they:
 - establish what has happened so far, and who has been involved;
 - clarify the nature of the complaint and what remains unresolved;
 - meet with the complainant or contact them (if unsure or further information is necessary);
 - clarify what the complainant feels would put things right;
 - interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
 - conduct the interview with an open mind and be prepared to persist in the questioning;
 - keep notes of the interview or arrange for an independent note taker to record minutes of the meeting.

Stage 2 Specific Guidance

Acknowledgement

2. The complaint will be acknowledged in writing normally within 3 working days of receipt during term time and as soon as practicable during the holidays. The acknowledgement will indicate the action that is being taken and the likely timescale for resolution. The letter will be accompanied with the Complaints Form (attached) which should be returned to the Investigating Officer to aid their enquiries.

Investigation and resolution

3. The Investigating Officer will ask relevant staff to formally record their recollection of the events including timelines and details of correspondence and file/meeting notes that are relevant to earlier stages.
4. In addition, the Investigating Officer will invite the complainant to meet him/her to give the complainant the opportunity to present oral evidence or to clarify the complaint. The complainant may be accompanied by a friend. The Investigating Officer will record the details of the complaint and a copy of the notes will be provided to the complainant and the relevant staff.
5. The Investigating Officer will collect such other evidence as is deemed necessary. This may include the interviewing of witnesses and others who may provide relevant information.
6. The Investigating Officer will provide relevant staff with a copy of the complaint and the complaints form together with any additional evidence presented by the complainant collected by the Investigating Officer. Once there has been an opportunity for relevant staff to consider the evidence, they will be invited to meet separately with the Investigating

Officer, in order to present written and oral evidence in response. Staff may be accompanied at this meeting by a work colleague or representative

The investigation will be undertaken as soon as possible and will be completed within 15 working days of receipt of the formal complaint. Please note that any complaint received during an academy holiday or within 15 working days of the end of term or half term may take longer to resolve. The Complainant must be informed of this in the letter of acknowledgement.

The Investigating Officer will inform the complainant and relevant staff in writing of the outcome of the investigation which may be to:

- 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 the Trust's / School's systems or procedures to ensure that
- problems of a similar nature do not recur

Interviewing Best Practice Tips

Children/young people:

- Children/young people should be interviewed in the presence of another member of staff, or in the case of serious complaints (e.g. where the possibility of criminal investigation exists) in the presence of their parents/carers. However, it might not always be possible to conduct an interview in case it prejudices a LADO or police investigation.
- Care should be taken in these circumstances not to create an intimidating atmosphere.
- Children/young people should be told what the interview is about and that they can have someone with them.

All – Including Staff/Witnesses:

- Explain the complaint and your role clearly to the interviewee and confirm that they understand the complaints procedure and their role in it.
- Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.
- Use open, not leading questions.
- Do not express opinions in words or attitude.
- Ask single not multiple questions, i.e. one question at a time.
- Try to separate 'hearsay' evidence from fact by asking interviewees how they know a particular fact.
- Persist with questions if necessary. Do not be afraid to ask the same question twice
- Make notes of each answer given.
- Deal with conflicting evidence by seeking corroborative evidence. If this is not available, discuss with the complaints Co-Ordinator/Head Teacher/Head of School /Chair of Governors the option of a meeting between the conflicting witnesses.

- Make a formal record of the interview from the written notes as soon as possible while the memory is fresh. Show the interviewee the formal record, ask if s/he has anything to add, and to sign the record as accurate.

Independent Member of the Panel

Department of Education Registration of Independent Schools Information Pack 2011

'Whilst we do not wish to be prescriptive about who schools should appoint as an independent person our general view is that people who have held a position of responsibility and who are used to analysing evidence and putting forward balanced arguments would be suitable. Examples of persons likely to be suitable are serving or retired business people, civil servants, heads or senior members of staff at other schools, people with a legal background and retired members of the Police Force might be considered by schools'.

Checklist for a Panel Hearing

- The hearing is as informal as possible
- Witnesses are only required to attend for the part of the hearing in which they give their evidence
- After introductions, the Chair will invite the complainant to explain their complaint, and be followed by their witnesses
- The Chair will invite the CEO/Head Teacher/Head of School to question both the complainant and the witnesses after each has spoken
- The CEO/Head Teacher/Head of School is then invited to explain the academy's actions and be followed by the academy's witnesses
- The complainant may question both the CEO/Head Teacher/Head of School and the witnesses after each has spoken
- The panel may ask questions at any point
- The complainant is then invited to sum up their complaint
- The CEO/Head Teacher/Head of School is then invited to sum up the academy's actions and response to the complaint
- Both parties leave together while the panel decides on the issues
- The chair explains that both parties will hear from the panel within 10 working days
- The Chair to explain the list of potential outcomes available to the Panel.

Policy Unreasonable Complaints and Unreasonable Behaviour

The Trust recognises that it is the last resort for complainants. They also have a duty to ensure the safety and welfare of pupils, parents and staff.

The Trust is committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who make them. As part of this service it would not normally limit the contact complainants have. However, the Trust does not expect its staff to tolerate behaviour by complainants which is unacceptable, for example, which is abusive, offensive or threatening, and it will take action to protect staff from that behaviour. This applies to unacceptable behaviour on any part of the Trust's premises, including the yard.

If the Head Teacher/Head of School considers that a complainant's behaviour is unacceptable the complainant will be told why their behaviour is deemed to be unreasonable and will be asked to change it. If the unacceptable behaviour continues the Head Teacher/Head of School will take action to restrict the complainant's contact with the school. (See Barring from School Premises)

Swift Academies 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 complaints 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.

Swift Academies defines unreasonable complaints 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 groups 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 the complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- Seeks 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.

Whenever possible, the Head Teacher/Head of School or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Head Teacher/Head of School will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the Trust causing significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from Trust schools.

Decision to Restrict Access

The decision to restrict access to the school will be taken by the Head Teacher/Head of School and will normally follow a prior warning to the complainant. Any restrictions imposed will be appropriate and proportionate. The options we are most likely to consider are:

- requesting contact in a particular form (for example, letters only);
- requiring contact to take place with a named member of staff;
- restricting telephone calls to specified days and times; and/or asking the complainant to enter into an agreement about their future contacts with us.

In all cases where we decide to treat someone as an unreasonably persistent complainant, we will write to tell the complainant why we believe his or her behaviour falls into that category, what action we are taking and the duration of that action. We will also tell them how they can challenge the decision if they disagree with it. If we decide to carry on treating someone as an unreasonably persistent complainant and we are still investigating their complaint six months later, we will carry out a review and decide if restrictions will continue.

Where a complainant whose case is closed persists in communicating with us about it, we may decide to terminate contact with that complainant. In such cases, we will read all correspondence from that complainant, but unless there is fresh evidence which affects our decision on the complaint we will simply acknowledge it or place it on the file with no acknowledgement.

New complaints from people who have come under the unreasonably persistent complainant's policy will be treated on their merits.

Decision to Stop Responding

The decision to stop responding will not be taken lightly. The Trust would need to be able to say 'yes' to all of the following:

- The Trust has taken every reasonable step to address the complainant's needs;
- The complainant has been given a clear statement of the school's position and their options (if any); and
- They are contacting the Trust repeatedly but making substantially the same points each time.

The case is stronger if the Trust agrees with one or more of the following:

- The Trust has reason to believe the individual is contacting the Trust with the intention of causing disruption or inconvenience.
- The complainant's letters emails / telephone calls are often or always abusive or aggressive.
- The complainant makes insulting personal comments about or threats towards staff.

The Trust will not stop responding just because an individual is difficult to deal with or asks complex questions. In most circumstances the subject matter is what the Trust can refuse to respond to, not the correspondent.

The Trust will provide parents with the information they are entitled to under [The Education \(Pupil Information\) \(England\) Regulations 2005](#). However, where an individual's behaviour is causing a significant level of disruption the Trust may implement a tailored communication's strategy such as restricting them to a single point of contact via an email address or by limiting the number of times they make contact, for example, a fixed number of contacts per term.

Complainants have a right to have any new complaint heard and failure to respond at all to a complainant could mean that the trust is failing to comply with its legal obligations. The trust will ensure that we are acting reasonably and that any genuine complaint will still be heard.

If Trust staff find it difficult to deal directly with the complainant because of their unreasonable behaviour and other strategies are not working, staff will be able to approach the Head Teacher/Head of School/Chief Executive for assistance. If this is agreed complainants can be advised not to contact the school directly, but instead the Head Teacher/Head of School/Chief Executive who will co-ordinate any response.

Complainants who may have been restricted in their communications with the school can also be advised to ask a third party to act on their behalf, such as the local Citizen's Advice Bureau.

Ultimately, if a complainant persists to the point that the Trust considers it to constitute harassment, legal advice will be sought as to the next steps. In some cases, it may lead to injunctions and other court orders.

Different procedures apply to Freedom of Information (FOI) and Data Protection (DP) correspondence. The Trust will seek advice from the FOI and DP Officer with regards to this.

Once the Trust has decided that it is appropriate to stop responding, we will let the complainant know in writing.

Barring from School Premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Trust schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community. (See also, Advice on School Security: Access to, and barring of individuals from school premises)

If a parent's behaviour is a cause for concern, a Trust school can ask him/her to leave the school premises. In serious cases, the Head Teacher/Head of School or Chief Executive Officer can notify the parent in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make.

Our Trust schools will always give the parent the opportunity to formally express their views on the decision to bar in writing. The decision to bar will then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent will be notified in writing, explaining how long the bar will be in place.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of the school's staff, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

Anyone wishing to complain about being barred can do so, by letter or email, to the Head Teacher/Head of School, Chief Executive Officer or the Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought at the complainant's expense.