

Staff Lead: CEO
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ATOM Complaints and Appeals Policy

COMPLAINTS PROCEDURE

The underlying principle of all of the Schools within the ATOM is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher will receive the first approach.

There are three stages:

- Stage one (informal): complaint heard by staff member (though not the subject of the complaint);
- Stage two (formal): complaint heard by Headteacher;
- Stage three: complaint investigated by a Governor of the Local Governing Body (Nominated by the Chair of Governors)
- Stage four (If appropriate): complaint heard by ATOM's complaints appeal panel;

Dealing with Complaints – Initial concerns

We are aware that there is a difference between a concern and a complaint. We aim to take informal concerns seriously at the earliest stage and so reduce the numbers that develop into formal complaints

Informal stage

If a parent is concerned about anything to do with the education that we are providing at our school, they should, in the first instance, discuss the matter with their child's class teacher. Most matters of concern can be dealt with in this way. All teachers work very hard to ensure that each child is happy at school, and is making good progress; they always want to know if there is a problem, so that they can take action before the problem seriously affects the child's progress.

Where a parent feels that a situation has not been resolved through contact with the class teacher, or that their concern is of a sufficiently serious nature, they should make an appointment to discuss it with the Headteacher or member of the Senior Management Team. The head teacher considers any such complaint very seriously and investigates each case thoroughly. Most complaints are resolved at this stage.

Should a parent have a complaint about the Headteacher, he/she should first make an informal approach to one of the members of the governing body, who is obliged to raise it with the Headteacher. The governor in question will do all they can to resolve the issue through a dialogue with the school, but if the parent is unhappy with the outcome, he/she can make a formal complaint, as outlined below.

Investigating Formal Complaints

All formal complaints should go to the Headteacher initially (or a nominated member of the governing body if the complaint is against the Headteacher) in writing within 28 days of the incident. The Headteacher may nominate a member of staff to have responsibility for the investigation of the complaint.

It is suggested that at each stage, the person investigating the complaint 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.

Resolving Complaints

At each stage in the procedure the school will keep in mind ways in which a complaint can be resolved. We recognise it might be sufficient to acknowledge 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.

It is useful if complainants state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

After hearing evidence from all parties, the Headteacher or Governor will consider their decision and inform the parent of the outcome in writing. The complainant will not be informed of any disciplinary or capability action

APPEALS PROCEDURE

If the complainant is not satisfied with the manner in which the process has been followed, or considers that the decision of the Headteacher or Governor is unreasonable, then the complainant may request that the ATOM Trustees review the handling of the complaint. Any such request must be made in writing within two weeks of receiving notice of the outcome from the Headteacher or Governor, and include a statement specifying any perceived failures. The appeal must be lodged in writing to the Trustees of the ATOM on the ATOM Complaint form (attached)

All paperwork will pass through the Clerk to the Trustees.

The complaint, and the Headteacher's written comments referring to the complaint, will be heard by Complaints Appeal Panel.

The Appeal Panel will be made up of 2 trustees or members of other schools LGB (who are not linked to the school associated with the complaint) and one independent member (not associated with the ATOM). This hearing will normally take place within 15 Academy working days of the request being made.

The complainant will have the opportunity to submit written evidence on their complaint. The school will also have the opportunity to present their evidence on how they have handled the complaint. Any written evidence must be received at least 5 days prior to the meeting to ensure there is time to distribute it to the panel.

The complainant is invited to attend the hearing and can be accompanied by a friend/representative. The headteacher or a member of the Senior Management Team will also attend the meeting.

The panel will inform the complainant of the outcome of the hearing within five working days of the meeting. This is the final step in the academy's complaint procedure. If the complainant is not satisfied that the complaint has been investigated fully or that the complaints procedure has not been followed correctly then the complainant can contact the Education Funding Agency. Their details can be found on the Department for Education Website.

The appeal meeting will be held on the ATOM premises.

Vexatious Complaints

On 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 Trustees is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Time-Limits

Complaints need to be considered, and resolved, as quickly and efficiently as possible. We aim to respond initially to all complaints within 48 hours. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

Complaints should be received within 28 days of the incident; complaints form must be submitted to the Chair of Governors with 28 days of receipt of the complaints form.

Recording Complaints

We record the progress of complaint and the final outcome. A complaint may initially be made in person, by telephone, or in writing

ATOM Review

The Trustees monitors the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary.

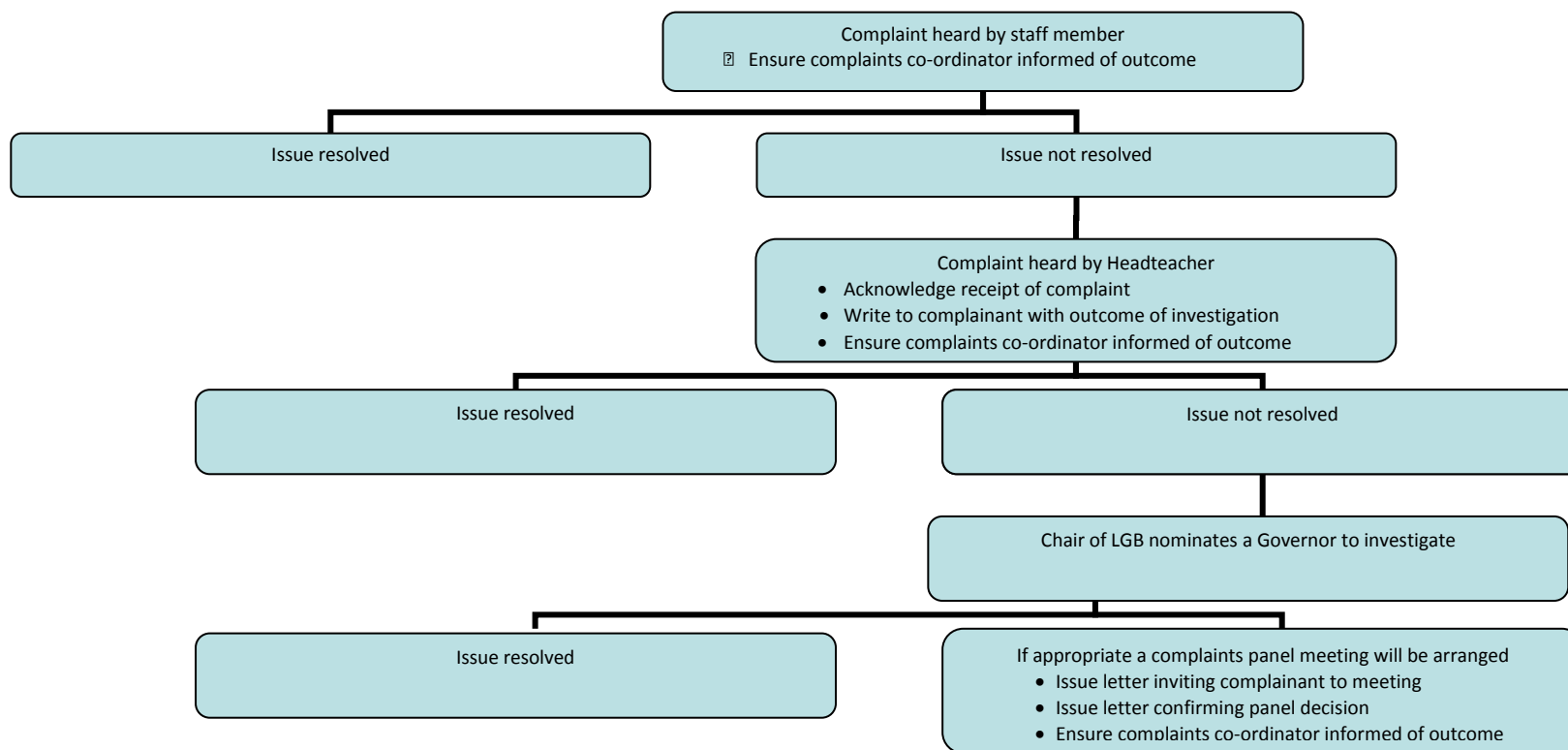
Publicising the Procedure

The Complaints Procedures is included in:

- the ATOM website
- The websites of each school within the ATOM

Flowchart

Summary of Dealing with Complaints



ATOM complaint form

Please complete and return to the Clerk to the Governors who will acknowledge receipt and explain what action will be taken.

Your name:	
Pupil's name:	
Your relationship to the pupil:	
Address:	Postcode:
Day time telephone number:	
Evening telephone number:	
Email address	
Please give details of your complaint.	
What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was 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:

Complaints not in scope of the procedure

A complaints procedure should cover all complaints about any provision of facilities or services that a school provides with the **exceptions** listed below, for which there are separate (statutory) procedures.

Exceptions

- Admissions to schools
- Statutory assessments of Special Educational Needs (SEN)
- School re-organisation proposals
- Matters likely to require a Child Protection Investigation

- Exclusion of children from school

- Whistleblowing

- Staff grievances and disciplinary procedures

- Complaints about services provided by other providers who may use school premises or facilities.

Who to contact

Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.

Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.

Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.

These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation. Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.

Serial and Persistent Complainants

Schools should do their best to be helpful to people who contact them with a complaint or concern or a request for information. However, in cases where a school is contacted repeatedly by an individual making the same points, or who asks them to reconsider their position, schools will need to act appropriately.

There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. It is important for schools to recognise when they really have done everything they can in response to a complaint. It is a poor use of schools' time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of Governors can inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond. However, schools must be careful that they do not mark a complaint as 'serial' before the complainant has completed the procedure.

Note: The Department for Education does not itself use the term 'vexatious' when dealing with serial or persistent correspondents as it could potentially be inflammatory. However, it is a recognised term. In the context of Freedom of Information (FOI) requests, the Upper Tribunal concluded that 'vexatious' could be defined as the '*...manifestly unjustified, inappropriate or improper use of a formal procedure.*' An exemption therefore exists in Section 14(1) of the Freedom of Information Act 2000. However, this exemption can only be applied to requests themselves, and not the individuals who submit them.

More information about dealing with vexatious requests for information is available on the [Information Commissioner's Office \(ICO\) website](#).

Under no circumstances should an individual be marked as serial for exercising their democratic right to refer their complaint to their local MP regardless of which stage the complaint has reached. The application of a 'serial or persistent' marking should be against the subject or complaint itself rather than the complainant.

Is it time to stop responding?

The decision to stop responding should never be taken lightly. A school needs to be able to say yes to all of the following:

- The school 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 school repeatedly but making substantially the same points each time.

The case is stronger if the school agrees with one or more of these statements:

- The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience - have they actually said as much in a letter, email or telephone call?
- Their letters/emails/telephone calls are often or always abusive or aggressive.
- They make insulting personal comments about or threats towards staff.

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

Schools must 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 schools may wish to implement a tailored communications 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; e.g. 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 school is failing to comply with its legal obligations. A school needs to ensure that they are acting reasonably and that any genuine complaint can still be heard.

If school staff find it difficult to deal direct with a complainant because of their unreasonable behaviour and other strategies are not working, they may be able to approach the governor services team at their LA to ask for assistance. If this is agreed, complainants can be advised not to contact the school, but to communicate instead with the LA 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 school considers it to constitute harassment, legal advice should be sought as to the next steps. In some cases, injunctions and other court orders have been issued to complainants because of their behaviours. Different procedures apply to FOI and Data Protection (DP) correspondence. You should talk to your FOI/DP advisor contact about those or approach the ICO for further advice.

Once a school has decided that it is appropriate to stop responding, they will need to let the complainant know; ideally, through a hard copy letter but an email will suffice.

ATOM Policy for Unreasonable Complainants

The ATOM Schools are 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.

The ATOM schools 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 complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- 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.

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

If the behaviour continues the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact a school causing a 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 a school

Barring from the School Premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the headteacher or the local authority can notify them 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. Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the headteacher or 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.

