

## Complaints Policy and Procedure 2018-2019

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<b>Prepared By</b>	Deputy CEO, Business
<b>Approved By</b>	Hamwic Education Trust Board of Directors
<b>Approval Date</b>	10 October 2018
<b>Policy Review Date</b>	September 2020

Academies are to publish this policy on their websites. The policy will also be published on the Trust website.

## **1. Scope**

This policy is based on guidance from the Education (Independent School Standards) Regulations 2014 and should also be read in conjunction with any relevant Trust policies.

This policy is intended to allow concerns to be expressed by a pupil, parent and any other individual or organisation relating to the Academy for the services it provides. It follows the principle that any concern or complaint should be resolved in a timely manner, in order to avoid escalation to the formal stages of the policy.

This policy does not cover matters relating to admissions. For complaints regarding admissions please refer to the school's own admissions policy and/or the Admissions Code.

The policy covers all Academies within the Hamwic Education Trust and the Trust itself.

Complaints made by members of staff should be dealt with under the Staff Grievance and Disciplinary Policy and will not be dealt with under the Complains Policy.

Where a formal complaint is received in relation to a School Leader, the complaint will be referred to the Chair of the Local Governing Body or relevant Partnership Board.

## **2. Procedure**

Any concern or complaint should be raised within three months of the incident/event occurring.

Anonymous complaints will not be investigated under the Complaints Policy and will be passed to the relevant academy School Leader to decide on action.

There are five stages to the procedure:

Stage 1 – Informal Resolution

Stage 2 – Formal Complaint to the School Leader

Stage 3 – Formal Complaint to the Local Governing Body<sup>1</sup>

Stage 4 – Formal Complaint Heard at A Complaint Panel Hearing

Stage 5 – Write to the Trust CEO

## **3. Vexatious Complaints**

Where all steps have been exhausted in the complaints policy and the complainant is dissatisfied and continues to raise the same complaint persistently, then the Academy Trust reserves the right to regard the complaint as vexatious and can refuse to further investigate and declare the matter closed. The following criteria will be applied in deciding whether a complaint is vexatious;

- All reasonable steps have been taken to address matters
- A clear statement has been provided on the Academy's position
- The Academy/ Trust is being repeatedly contacted with the same points being raised
- The Academy has reasonable grounds for believing that the intention is to cause inconvenience

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<sup>1</sup> If an Academy does not have a Local Governing Body, the Complainant should write to the Chair of the Partnership Board

- Communications are aggressive in tone or content. Abusive, derogatory and/or threatening comments are made

#### **4. Stages**

##### ***Stage 1 – Informal Resolution***

Most concerns or complaints can be resolved at this early informal stage. The concern or complaint would normally be heard in the first instance by a pupil's class teacher or other member of staff, either by informal meeting, telephone, email or writing. If the complainant feels that the concern / complaint has not been sufficiently resolved at this stage, then the next stage in the procedure can be initiated. At this stage, it would be expected that a resolution would be reached as quickly and efficiently as possible.

##### ***Stage 2 – Formal Complaint to the School Leader***

If the complainant wishes to make a formal complaint to the School Leader, the complaint should be put in writing to the School Leader and a complaints form (Appendix 1) should be completed.

The School Leader will then;

- acknowledge the complaint within 5 school days of receiving the letter from the complainant
- Investigate the complaint (collecting of information may be delegated by the School Leader to another member of staff, however the School Leader will make the decision on action taken)
- Write to the complainant within 15 school days of receiving the initial letter of complaint detailing the outcome of the investigation.

##### ***Stage 3 – Formal Complaint to the Local Governing Body***

If the complainant remains dissatisfied after Stage 2, a formal complaint can be made to the Local Governing Body (or the relevant nominated committee in the absence of a LGB). Complaints must be put in writing along with a completed complaints form (Appendix 1) and addressed to the Chair of Governors. The Chair of Governors (or relevant nominated person) will investigate the complaint and write to the Complainant within 15 school days of receiving the written formal complaint.

##### ***Stage 4 – Formal Complaint heard at a Complaint Panel Hearing***

The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the complaint remains dissatisfied and wishes to take the matter further. If the complaint is regarding an academy within the Trust, a governors hearing panel will be convened. Any such request must be made within 10 school days of receiving notice of the outcome from Stage 3 of the process.

#### **Principles of Hearing**

- Encourages resolution of problems by informal means wherever possible
- Is impartial
- Is non-adversarial
- Ensures a full and fair investigation
- Allows for swift handling within agreed time-limits for action and keeping people informed of progress

- Respects confidentiality

The purpose of the hearing is to consider the complaint that has been raised and decide if action needs to be taken moving forward and if so, what that action may be;

The Complaints 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 reoccur

### **Procedure**

The complainant must put in writing the complaint along with a completed complaints form to the Chair of the Local Governing Body requesting a complaints panel hearing.

The Chair (or Clerk) will write to the complainant within 5 school days acknowledging the request for the complaint to be heard. The letter will inform the Complainant that the Complaint Panel Hearing will take place within 25 working days of the date that the letter was received from the Complainant and that arrangements to appoint the Complaint Panel and convene the Complaint Panel Hearing will be made by the Clerk to the LGB / who will be the Complainant's main point of contact.

The Trust may appoint a representative to support the panel.

The Complainant, Panel Members, Academy representative and Trust representative will receive details of the hearing from the Clerk at least 5 days before the Panel hearing including the date, time and location.

### **Appointment of the Panel**

The Complaint Panel will consist of at least three panel members, none of which will have been involved previously in the complaint or have any knowledge of the complaint.

One of the members will be independent of the management and running of the Academy (i.e. not a Director of the Trust, a LGB governor or an employee of either the Academy or the Trust). A governor of another Academy within the Trust may be considered to be the independent member as long as they are sufficiently removed from the management and running of the Academy.

### **Representation**

The complainant and / or academy representative may wish to ask witnesses to attend the panel hearing. In these cases, the names of the witnesses must be sent to the Clerk at least 5 days before the hearing. All witnesses will only be allowed to sit at the hearing when they are called to give their verbal account or answering questions. They will be asked to leave the hearing for all other parts.

An employee may contact their union for advice.

The Complainant may be accompanied if they wish. The person accompanying will not, however, play any part in the Panel Hearing.

### **Documents**

The Clerk will provide a copy of all correspondence, statements (including witness statements) and records relating to the complaint including records made in previous stages of investigating the complaint to the Panel Hearing Members, Complainant and Academy representative at least 5 school days before the hearing takes place.

### **Hearing Procedure**

On the day of the hearing;

- The Chair will welcome the complainant, introduce the panel members and academy representative and explain the procedure.

### ***Complainants Case Presentation***

- Complainant to present their case and call witnesses (if required)
- Complainant to explain what outcome they would like to see reached
- Academy representative to ask complainant questions about the complaint
- Panel members to ask questions to the complainant about the complaint and reasons why it has been made
- The Chair of the panel to ask the complainant questions and the reasons why it has been made (if unclear)

### ***Academy Representative Case Presentation***

- Representative to present their case and call witnesses (if required)
- Complainant to ask representative questions
- Panel members to ask questions to the representative about the complaint
- The Chair of the Panel to ask the representative questions

### ***Summation***

- The Complainant to be invited to summarise the complaint without interruption
- The Representative to be invited to summarise the complaint without interruption

### ***Decision***

The Chair will explain to all parties the decision of the panel will be considered and a written decision will be sent to the Complainant and Academy representative within 15 working days. The Chair will ask all parties to leave except the panel members.

The Complaints Panel will adjourn to consider the outcome and any action to be taken to resolve the complaint;

- 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 reoccur

### **Stage 5 – Write to the CEO, Hamwic Managed Services**

For the majority of complaints about a school, the decision of the Governing Body is the final stage in the consideration of the complaint. However, if the Complainant feels that the complaint has not

been dealt with to their satisfaction, and all the above stages have been fulfilled, the Complainant can write to the CEO at Hamwic Education Trust Managed Service Team, setting out why the academy has not addressed the complaint in full. Please note, where relevant the involvement may well be limited to checking and confirming that the governors' investigation of the complaint has been a thorough one. This stage is not to re-hear the complaint and no new evidence will be considered. The complaint, which should be in writing, will be acknowledged within 5 school days and the acknowledgement sent to the academy for information. The CEO will review the case and will aim to write to the Complainant within 15 school days from the date of receipt of your letter. A copy of the letter will be sent to the associated academy.

## **5. Complaints Against the MAT**

Where complaints do not relate to a specific academy and are related to the Trust as a whole, complainants should follow the stages below in resolving a concern or complaint.

Any concern or complaint should be raised within three months of the incident/event occurring.

Anonymous complaints will not be investigated under the Complaints Policy and will be passed to the CEO to decide on action.

The Trust procedure has three stages:

### ***Stage 1 – Informal Resolution***

Members of Trust staff can deal with many concerns to the satisfaction of the Complainant without needing to deal with it formally. The Trust values informal meetings and communication as a way of improving any procedures and relations with all stakeholders.

If the Complainant feels that the concern / complaint has not been sufficiently resolved at this stage, then the next stage in the procedure can be initiated. At this stage, it would be expected that a resolution would be reached as quickly and efficiently as possible.

### ***Stage 2 – Formal Complaint to the CEO***

If the Complainant wishes to make a formal complaint to the CEO, the complaint should be put in writing and a complaints form (Appendix 1) should be completed.

The address is:

**CEO**  
**Hamwic Education Trust Managed Service Team**  
**Unit E, The Mill Yard**  
**Nursling Street**  
**Southampton**  
**SO16 0AJ**

The CEO will then;

- acknowledge the complaint within 5 school days of receiving the letter from the complainant

- Investigate the complaint (collecting of information may be delegated by the CEO to another member of staff, however the CEO will make the decision on action taken)
- Write to the Complainant within 15 school days of receiving the initial letter of complaint detailing the outcome of the investigation.

Where a formal complaint is received making a complaint about the CEO or a Trust Director, the complaint will be referred to the Chair of the Trust Board.

### ***Stage 3 – Formal Complaint heard at a Complaint Panel Hearing***

The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the complaint remains dissatisfied and wishes to take the matter further. Any such request must be made within 10 school days of receiving notice of the outcome from Stage 2 of the process.

#### **Principles of Hearing**

- Encourages resolution of problems by information means wherever possible
- Is impartial
- Is non-adversarial
- Ensures a full and fair investigation
- Allows for swift handling within agreed time-limits for action and keeping people informed of progress
- Respects confidentiality

The purpose of the hearing is to consider the complaint that has been raised and decide if action need to be taken moving forward and if so, what that action may be;

The Complaints 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 reoccur

#### **Procedure**

The Complainant must put in writing the complaint along with a completed complaints form to the Chair of the Hamwic Education Trust requesting a complaints panel hearing.

The Chair (or Clerk) will write to the complainant within 5 working days acknowledging the request for the complaint to heard. The letter will inform the Complainant that the Complaint Panel Hearing will take place within 25 working days of the date that the letter was received from the Complainant and that arrangements to appoint the Complaint Panel and convene the Complaint Panel Hearing will be made by the Clerk who will be the Complainant's main point of contact.

The Trust may appoint a representative to support the panel.

The Complainant, Panel Members and Academy representative and Trust representative will receive details of the hearing from the Clerk at least 5 days before the Panel hearing including the date, time and location.

#### **Appointment of the Panel**

The Complaint Panel will consist of at least three panel members, none of which will have been involved previously in the complaint or have any knowledge of the complaint.

One of the members will be independent of the management and running of the Academy (i.e. not a Director of the Trust, a LGB governor or an employee of either the Academy or the Trust).

### **Representation**

The complainant and / or academy representative may wish to ask witnesses to attend the panel hearing. In these cases, the names of the witnesses must be sent to the Clerk at least 5 days before the hearing. All witnesses will only be allowed to sit at the Hearing when they are called to give their verbal account or answering questions. They will be asked to leave the hearing for all other parts.

The Complainant may be accompanied if they wish. The person accompanying will not, however, play any part in the Panel Hearing.

### **Documents**

The Clerk will provide a copy of all correspondence, statements (including witness statements) and records relating to the complaint including records made in previous stages of investigating the complaint to the Panel Hearing Members, Complainant and Academy representative at least 5 school days before the hearing takes place.

### **Hearing Procedure**

On the day of the hearing;

- The Chair will welcome the complainant, introduce the panel members and academy representative and explain the procedure.

### ***Complainants Case Presentation***

- Complainant to present their case and call witnesses (if required)
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- Panel members to ask questions to the complainant about the complaint and reasons why it has been made
- The Chair of the panel to ask the complainant questions and the reasons why it has been made (if unclear)

### ***Academy Representative Case Presentation***

- Representative to present their case and call witnesses (if required)
- Complainant to ask representative questions
- Panel members to ask questions to the representative about the complaint
- The Chair of the Panel to ask the representative questions

### ***Summation***

- The Complainant to be invited to summarise the complaint without interruption
- The Representative to be invited to summarise the complaint without interruption

### ***Decision***



The Chair will explain to the panel that the decision of the panel will now be considered and a written decision will be sent to all the Complainant, Representative within 15 working days. The Chair will ask all parties to leave except the panel members.

The Complaints Panel will adjourn to consider the outcome and any action to be taken to resolve the complaint;

- 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 reoccur

## 6. Complaints not in scope of the procedure

The exceptions listed below are not covered in this procedure as they are covered by separate (statutory) procedures:

<i>Exceptions</i>	<i>Who to Contact</i>
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs (SEN)</li> <li>• School re-organisation proposals</li> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Concerns should be raised direct with local authorities (LA)</p> <p>For school admissions, concerns should be raised with the school LGB under the school’s Admissions policy</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school</li> </ul>	<p>Further information about raising concerns about exclusion can be found at:  <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a></p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	See separate policy
<ul style="list-style-type: none"> <li>• Staff grievances and disciplinary procedures</li> </ul>	See separate policy
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	Providers should have their own complaints procedure to deal with complaints about service. They should be contacted directly

## 7. Further advice

If a Complainant is not satisfied about the handling of their complaint, they can visit <https://www.gov.uk/complain-about-school/state-schools> or write to;

Department for Education

School Complaints Unit

2<sup>nd</sup> Floor

Piccadilly Gate

Store Street

Manchester

M1 2WD

Telephone: 0370 000 2288

### **8. Confidentiality**

The Academy will keep all correspondence, statements and records relation to individual complaints confidential, except where the Secretary of State or a body authorised to conduct a school inspection requests access to them.

### **9. Appendices**

#### ***Appendix 1: Complaints Form***

#### ***Appendix 1***

#### **Formal Complaint Form**

Date	
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Your Name	
Relationship with school / to the pupil	
Pupil's name (if relevant to the school)	
Address	
Telephone Numbers	
Daytime	
Evening	
Email Address	

Please give details of your complaint (including dates, names of witnesses, etc.):

What action, if any, have you already taken to try and resolve your complaint (e.g. who have you spoken to and what was the response?)

What actions do you feel might resolve the problem at this stage?

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

Signature	
Date	

<b>Office Use</b>	
Date Form received	
Received by	
Date acknowledgement sent	
Acknowledgement sent by	
Complaint referred to	
Date complaint referred	