

## Complaints Policy and Procedure

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<b>Approved By</b>	Hamwic Education Trust Board of Directors
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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 best practice guidance for school complaints 2019 published by the Department for Education and should also be read in conjunction with any other relevant Trust policies.

The policy covers all schools within the Hamwic Education Trust (HET) and the Trust itself.

This policy is intended to allow complaints to be expressed by a pupil, parent and any other individual or organisation relating to the school 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.

The complaints policy is not limited to parents or carers or children that are registered at any one school within HET. Any person, including members of the public, may make a complaint about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions) – please see Section 6 Complaints Not in Scope of the Procedure), this complaints policy will be used.

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 defined as an ‘expression or statement of dissatisfaction however made, about actions taken or a lack of action.’

It is in everyone’s interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. The school takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, you may be referred to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, you may be referred to another member of staff. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, the school will attempt to resolve the issue internally, through the stages outlined within this complaints 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 where a Local Governing Body is not in place.

## **2. Procedure**

Any concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with either the class teacher or School Leader. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual governors to raise concerns or complaints. Governors have no power to act on an individual basis and it may also prevent them from considering complaints in Stage 4 of the procedure.

Complaints against school staff (except the School Leader) should be made in the first instance, to the School Leader via the school office.

Complaints that involve or are about the School Leader should be addressed to the Chair of Governors, via the school office.

Complaints about the Chair of Governors, any individual governor or the whole of the governing body should be addressed to the Clerk to the Governing Body, via the school office.

All complaints should be marked as Private and Confidential.

For ease of use, a template complaint form (Appendix 2) is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete the complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Anonymous complaints will not be investigated under the Complaints Policy and will be passed to the relevant School Leader to decide on appropriate 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. Timescales**

Complaints must be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents.

Complaints made outside of term time will be considered to have been received on the first school day after the holiday period.

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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

#### 4. Complaints Not in Scope of This Procedure

This policy covers all complaints about any provision of community facilities or services by the school, other than complaints that are dealt with under other statutory procedures including those listed below:

<b>Exceptions</b>	<b>Who to Contact</b>
<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> </ul>	<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>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Complaints about children protection matters are handled under the schools' child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concern, you may wish to contact the Local Authority Designated Officer (LADO) who has local responsibility for safeguarding of the Multi-Agency Safeguarding Hub (MASH) – please ask at the school office for contact details</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>	<p>There is a separate whistleblowing procedure for all employees, including temporary staff and contractors.</p> <p>The Secretary of State is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at:  <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p> <p>Volunteer staff who have concerns about a school should use this complaints procedure. You may also be able to complain direct to HET or the Department for Education (see link above), depending on the substance of the complaint</p>
<ul style="list-style-type: none"> <li>• Staff grievances and disciplinary procedures</li> </ul>	<p>Complaints from staff will be dealt with under the school grievance and disciplinary policy</p>

<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the school disciplinary procedure, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. They should be contacted directly.</p>
<ul style="list-style-type: none"> <li>• National Curriculum – content</li> </ul>	<p>Please contact the Department for Education at:</p> <p><a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p>

If other bodies are investigating aspects of the complaint, for example, the Police, Local Authority (LA) Safeguarding Teams or Tribunals, it may impact on the ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against the school in relation to their complaint, suspension of the complaints procedure will be considered, until those legal proceedings have concluded.

### **5. Vexatious Complaints**

Please see Appendix 1 for managing serial and unreasonable complaints.

### **6. Resolving Complaints**

At each stage in the procedure, the school aims to resolve the complaint. If appropriate, it will be acknowledged that the complaint is upheld in whole or in part. In addition, one or more of the following may be offered:

- An explanation
- An admission that the situation could have been handled differently or better
- An assurance that the event will not reoccur and the steps taken to avoid a reoccurrence
- An undertaking to review school policies in light of the complaint
- An apology

### **7. Withdrawal of a Complaint**

A complainant must confirm in writing, if they want to withdraw their complaint.

### **8. 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 stage 1, 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 2) 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. If the School Leader is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school will take to resolve the complaint.

The School Leader will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about the School Leader, or a member of the governing body (including the Chair or Vice-Chair), a suitable skilled governor will be appointed to complete all the actions at Stage 2.

Complaints about the School Leader or member of the governing body must be made to the Clerk, via the school office.

If the complaint is:

- Jointly about the Chair and Vice Chair, or
- The entire governing body, or
- The majority of the governing body

Stage 2 will be considered by an independent investigator appointed by the governing body or HET. At the conclusion of the investigation, the independent investigator will provide a formal written response.

### ***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 Partnership Board in the absence of an LGB). Complaints must be put in writing along with a completed complaints form (Appendix 2) 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. 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 need to be taken 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 school'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 complaint 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 school days of the date that the letter was received from the complainant and that arrangements to appoint the complaints 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.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The Trust may appoint a representative to support the panel.

#### **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 school (i.e. not a Director of the Trust, a LGB governor of the school in question or an employee of either the school or the Trust). A governor of another school 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 school to whom the complaint relates to.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

### **Representation**

The complainant and / or school 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 and evidence**

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 school representative at least 5 school days before the hearing takes place.

The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included.

### **Hearing Procedure**

At least 5 school days before the meeting, the Clerk will:

- Confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- Request copies of any further written material to be submitted to the committee at least 5 school days before the meeting

On the day of the hearing;

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.

- The Chair will welcome the complainant, introduce the panel members and school 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
- School 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)

#### ***School Representative Case Presentation***

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

#### ***Summation***

- The complainant to be invited to summarise the complaint without interruption
- The school 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 school 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 school'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 school 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 school 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 the complainant's letter. A copy of the letter will be sent to the associated school.

### **9. Complaints Against the MAT**

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

Complaints must be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents.

Complaints made outside of term time will be considered to have been received on the first school day after the holiday period.

Anonymous complaints will not be investigated under the Complaints Policy and will be passed to the CEO to decide on appropriate 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 2) 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 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 complainant 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 HET'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 (Appendix 2) to the Chair of HET requesting a complaint panel hearing.

The Chair (or Clerk) will write to the complainant within 5 school 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 Trust representative will receive details of the hearing from the Clerk at least 5 school 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 Trust (i.e. not a Director of the Trust, a LGB governor or an employee of the Trust).

### **Representation**

The complainant and / or Trust 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 school 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 Trust representative at least 5 school days before the hearing takes place.

The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

### **Hearing Procedure**

On the day of the hearing;

- The Chair will welcome the complainant, introduce the panel members and Trust 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
- Trust 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)

### ***Trust 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 Trust 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, Trust representative within 15 school 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 HET's systems or procedures to ensure that problems of a similar nature do not reoccur

#### **10. Further advice**

If a complainant is not satisfied about the handling of their complaint, they can contact the ESFA <https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy>.

#### **11. Confidentiality**

HET 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.

## 12. Appendices

### ***Appendix 1: Policy for Managing Serial and Unreasonable Complaints***

The Hamwic Education Trust (HET) and schools within are committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We do not normally limit the contact complainants have with our schools. 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.

HET defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school and/or Trust, such as, if the complainant:

- 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
- Refuses to accept that certain issues are not within the scope of the complaints policy
- Insists on the complaint being dealt with in ways that are incompatible with the complaints procedure or with good practice
- Introduces trivial or irrelevant information which they expect to be taken into account and commented on
- 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 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 Education and Skills Funding Agency (ESFA)
- Seeks an unrealistic outcome
- Makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- Uses threats to intimidate
- Uses abusive, offensive or discriminatory language or violence
- Knowingly provides falsified information
- Publishes unacceptable information on social media or other public forums

Complainants should try to limit their communication with the school that relates to their complaint, while the 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 School Leader, Chair of Governors or CEO will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the School Leader / CEO will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact HET or individual academies causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from school premises. The HET Visitor Code of Conduct Guidance would be followed in this instance.

**Appendix 2 – Formal Complaint Form**

**Formal Complaint Form**

Date	
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?

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	