

# THE HEATH ACADEMY TRUST

## Complaints Policy

*inspire transform together*



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## 1. Introduction

This document sets out the policy and procedure for the management of complaints in the Heath Academy Trust. It reflects latest guidance provided by the Department for Education (DfE) in September 2020 and the requirements the Education & Skills Funding Agency (ESFA) in 2015 and 2018.

## 2. Background

Academies are required to adhere to the following legislation with regards to the management of their complaints: -

### *Education (Independent School Standards (England) Regulations 2014 Schedule 1 Part 7*

- (a) that the complaints procedure is in writing;
  - (b) is that the complaints procedure is made available to parents of pupils;
  - (c) sets out clear time scales for the management of a complaint;
  - (d) allows for a complaint to be made and considered initially on an informal basis;
  - (e) where the parent is not satisfied with the response to the complaint made in accordance with sub paragraph (d), establishes a formal procedure for the complaint to be made in writing;
  - (f) where the parent is not satisfied with the response to the complaint made in accordance with sub paragraph (e), makes provision for a hearing before a panel appointed by or on behalf of the proprietor and consisting of at least three people who were not directly involved in the matters detailed in the complaint;
  - (g) ensures that, where there is a panel hearing of a complaint, one panel member is independent of the management and running of the school;
  - (h) allows for a parent to attend and be accompanied at a panel hearing if they wish;
    - (i) provides for the panel to make findings and recommendations and stipulates that a copy of those findings and recommendations is—
    - (ii) provided to the complainant and, where relevant, the person complained about; and
    - (iii) available for inspection on the school premises by the proprietor and the head teacher;
  - (j) provides for a written record to be kept of all complaints that are made in accordance with sub-paragraph (e) and—
    - (i) whether they are resolved following a formal procedure, or proceed to a panel hearing; and
    - (ii) action taken by the school as a result of those complaints (regardless of whether they are upheld);
- and
- (k) provides that correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

### **3. Complaints v concerns**

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

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

The Heath Academy Trust takes all concerns (informal complaints) seriously and will make efforts to resolve matters as quickly as possible. Many issues can be resolved informally, without the need to use the formal complaints procedure. If you would prefer not to raise your concern with a member of staff, in these cases we will refer you to another member of staff. It may be that a member of staff does not feel able to deal with a concern, we will refer you to another person.

The Heath Academy Trust aims to deal with all issues objectively and impartially.

Formal complaints – when any initial attempts taken to resolve an informal issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further or if they wish to make a formal complaint at the outset. The school will attempt to resolve the matter through the stages outlined in the Heath Academy Trust's complaints policy (see section 9).

### **4. Who can make a complaint?**

Any person may make a complaint to the school if the school is directly responsible for the issue being complained about. It is not limited to parents with children registered at the school includes complaints concerning any child(ren) no longer on the school register and there is no separate procedure for complainants who are not parents.

The school will not usually investigate anonymous complaints and in these circumstances, the Headteacher or Chair of Governors will determine if the matter warrants an investigation, if appropriate.

### **5. How to complain**

A concern or complaint can be made:

- In person
- In writing or
- By telephone
- By anyone acting on behalf of a complainant (with appropriate consent to do so).

Concerns should be raised with either the class teacher or the Headteacher. If the matter is not resolved, the next step is to make a formal complaint. Complaints should be made to the appropriate person depending on what the complaint is about. Complainants should not approach individual governors as it may prejudice

their ability to consider complaints at Stage 2 of the procedure and they have no power to act on an individual basis.

Complaints about or involve	Addressee
School staff (except Headteacher)	Headteacher
Headteacher	Clerk to the Governing Committee
Chair of Governors, individual governor, or whole governing committee	Clerk to the Governing Committee

A complaints form is included for completion (Appendix 3). All complaints should be marked private and confidential and submitted through the main office. The school will consider making reasonable adjustments to enable complainants to access and complete the complaints procedure. If you should need any help in making your complaint, please let the school office know. You can also obtain assistance through other organisations such as local advocacies and the Citizen’s Advice Bureau.

You are able to withdraw your complaint at any time and the school will ask you to confirm this in writing.

## 6. Timescales

In order for the school to deal with your complaint effectively, it would be helpful to receive complaints as soon as possible after the incident concerned. You must raise your complaint within 3 months of the incident or if a series of associated incidents, within 3 months of the last one taking place. However, in exceptional circumstances the school will consider complaints made outside of this timescale.

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

## 7. Scope of this complaints procedure

This procedure covers all complaints about any provision of community services by the Heath Academy Trust. It does not cover complaints that are dealt with under separate (statutory) procedures.

This policy does **not** cover the following issues: -

Admissions to academies	There is separate guidance about academy independent admission appeal panel complaints <a href="http://www.gov.uk/government/publications/academy-independent-admission-appeal-panel-complaints">www.gov.uk/government/publications/academy-independent-admission-appeal-panel-complaints</a>
Statutory assessments of special education needs	Concerns about admissions, statutory assessments of Special Educational Needs <a href="http://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability">www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability</a>

School re-organisation proposals subject to statutory procedures	Concerns regarding school reorganisation proposals should be raised with Dorset Council
Exclusion of children/young people from school	<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> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i></p> <p>Behaviour Policies can be found on the individual School's website.</p>
Matters likely to require a Child Protection Investigation	<p>All complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) or the Multi Agency Safeguarding Hub (MASH).</p>
Whistleblowing	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education 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>
Staff grievances	Complaints from staff will be dealt with under the academy's internal grievance procedures
Staff conduct	<p>Complaints about staff will be dealt with under the academy's internal disciplinary procedures, 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>
Complaints about services provided by other providers, who may use academy premises or facilities	Providers should have their own complaints procedure. Please contact them directly.
Discrimination	Complaints can be raised with the Equality Advisory Support Service <a href="http://www.equalityadvisoryservice.com">www.equalityadvisoryservice.com</a>
Exam malpractice or maladministration	Any complaints should be raised with the Office of Qualifications and Examinations Regulation (OFQUAL)
Quality of education or leadership, or concerns affecting the school as a whole	These matters are addressed through OFSTED inspections (see the <a href="#">schools inspection guide for parents</a> )
Data Protection	You can raise complaints about this with the Information Commissioner's Office

Criminal cases	Please report these to the police
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Complaints that have already been investigated cannot be considered again.

Legal, safeguarding, or disciplinary proceedings may take precedence over complaints procedures and timescales. If there is a risk that dealing with a complaint might prejudice a concurrent consideration, the complaints procedure will be suspended until the concurrent consideration is concluded. The Heath Academy Trust will write to the complainant explaining the reason for the decision and the nature of the concurrent consideration. Once the concurrent consideration is concluded, the complaint can be investigated as appropriate.

Should the school receive a number of complaints all based on the same subject or from complainants unconnected with the school, the Headteacher will consider how to respond to these complaints. In these instances, the school may decide to send a template response to all complainants or to publish a single response on the website. These complaints will be acknowledged in the usual way and complainants updated on how the school intends to respond.

## **8. Resolution**

At each stage of the complaints procedure, the Heath Academy Trust wants to resolve any complaint if at all possible. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may 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 along with an indication of timescales within any changes will be made;
- an undertaking to review academy policies in light of the complaint.

## **9. Formal Complaints Procedure**

### **Stage 1**

All formal complaints to be made to the Headteacher (unless concerning the Headteacher). This may be done in person, in writing (preferably using the complaint form – Appendix 3) or by telephone – see section 5 above for more details. If the complaint is about the Headteacher or a member of the governing committee (including chair or vice chair) a suitably skilled governor will be appointed to complete all actions at stage 1. If the complaint is jointly about the chair or vice Chair of Governors, the majority of or the entire governing committee then stage 1 will be considered by an independent investigator appointed by the governing committee or the Diocese as appropriate. At the end of their

investigation, the investigator will provide the formal written response to the complainant.

The school will record the date the complaint is received and will acknowledge receipt of the complaint in writing (letter or email) within 3 school days. The Headteacher or Chair of Governors may decide to delegate the investigation but not the decision to be taken.

Within this acknowledgement, Headteacher (or the person investigating the complaints - Headteacher, governor or other delegated person) may seek to clarify the nature of the complaint, what is unresolved and the outcomes the complainant is seeking to resolve the matter. Consideration will be given by the school as to whether a face to face meeting would be the appropriate way forward.

During any investigation, the investigator will (if necessary):

- Interview all those who were involved in the complaint – they may be accompanied if they wish;
- Keep a written record of any meetings/interviews relating to their investigation.

The Headteacher will investigate the complaint and respond to the complainant within 10 school days of the date of receipt of the complaint. If this date cannot be met, the complainant will be given an update and revised response date and updates every 10 school days, as necessary.

The complaint response will include:

- details of any actions taken to investigate the complaint;
- a full explanation of any decisions made including reasons;
- details of actions taken (or to be taken with timescales) to resolve the complaint;
- details as to how to escalate the complaint should they remain dissatisfied with the outcome.

## **Stage 2**

If the Complainant is dissatisfied with the outcome of the investigation at Stage 1 and wishes to take the matter further – they can escalate their complaint to Stage 2. Stage 2 involves a meeting of the governing committee's complaints panel. One member of the panel will be independent of the management and running of the school. This is usually made up of the first two impartial governors available plus an independent person and forms the final stage of the academy's complaints procedure.

All requests to escalate complaints to Stage 2 must be made to the Clerk to the Governors via the school office within 10 school days of receipt of the Stage 1 response. Requests received outside this timescale will be considered under exceptional circumstances.



The Clerk will record the date the request was received and acknowledge receipt in writing (either by letter or email) within 3 school days. The Clerk will write to the complainant to inform them of the dates of the meeting. The school will aim to convene a meeting within 20 school days of the Stage 2 request. If this is not timescale is not achievable, it will be convened as soon as practicably possible and the complainant will be kept updated.

If the complainant rejects the offer of 3 proposed dates, the Clerk will decide whether to hold the meeting. If yes, it will then proceed in the complainant's absence with written submissions from both parties.

The complaints panel will comprise of at least 3 people (2 of which will be school governors) with no prior knowledge or involvement in the complaint under consideration. Before the meeting, the panellists will decide who will act as chair of the complaints panel. In the event that there are less than 2 available school governors, the Clerk will source independent governors through either another school or the local authority governor services team. Alternatively, an entirely independent panel may be appointed by the clerk to hear the complaint at Stage 2. If the complaint is about the Chair of the Vice Chair, the majority or entire governing committee then Stage 2 will be heard by a panel made up of an independent person and independent, co-opted governors. The complainant will be advised accordingly.

If the complainant attends the meeting, they are permitted to be accompanied by a supporter (either a relative or a friend). Legal representatives for either party are not usually encouraged to attend the panel meeting, but it is accepted that there may be occasions where it is appropriate to do so. An example of this may be a school employee who is called as a witness and may wish to be supported by a union and/or legal representative. NB Matters of staff conduct are not usually considered by the complaints procedure, they are usually considered under staff disciplinary procedures and outcomes will not be shared with complainants.

Representatives from the media are not permitted to attend.

At least 10 school days before the meeting the clerk will:

- Notify the complainant of the date, time, and venue of the panel meeting. If the complainant is invited, these dates to be convenient to all parties and then venue and proceedings are accessible.
- Request copies of any further written material to be submitted to the panel at least 5 school days before the meeting.

Any written material will be circulated to all parties at least 2 school days before the date of the meeting.

The panel meeting will

- be held in private;
- not review any new complaints at Stage 2 or consider evidence unrelated to the original complaint to be included. Any new complaint must be considered at Stage 1 of the procedure;

- not normally accept, as evidence recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded;
- not normally permit electronic recordings of meetings or conversations unless the complainant's own disability or special needs requires it. In that case, prior knowledge and consent of all parties attending must be sought by the clerk before meetings or conversations take place. Consent will be recorded in any minutes taken.

The panel will consider the complaint and all the evidence presented by all parties.  
The panel can: -

- uphold the complaint in whole or part;
- dismiss the complaint in whole or part.

If the complaint is upheld (in whole or part) the panel will:

- decide on the appropriate action(s) to be taken to resolve the complaint;
- recommend changes to academy systems or procedures to prevent similar issues reoccurring in future, where appropriate.

Within 5 working days, the Chair of the panel will provide the complainant and the Heath Academy Trust with a full explanation of their decision(s) and the reason(s) in writing. Where appropriate, it will include details of the actions the Heath Academy Trust will take to resolve the complaint and timescales to achieve them.

The response will also include details of how the complainant may escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

## 10. Next steps

If, after Stage 2 has been completed the complainant:

- Remains unhappy with the outcome;
- Believes that the academy did not handle their complaint in accordance with their published procedure;
- Believes that the academy has acted unlawfully or unreasonably in the exercise of their statutory duties;

they can contact the Education & Skills Funding Agency by using the [Contact Us](#) form.

[www.gov.uk/government/organisations/skills-funding-agency](http://www.gov.uk/government/organisations/skills-funding-agency)

ESFA Complaints  
Chief Executive's Office  
Cheylesmore House  
Quinton Road  
COVENTRY  
CV1 2WT

Tel: 0845 377 5000

### Roles and Responsibilities

#### Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible;
- co-operate with the school in seeking a solution to the complaint;
- respond promptly to requests for information or meetings or in agreeing the details of the complaint;
- ask for assistance as needed;
- treat all those involved in the complaint with respect;
- refrain from publicising the details of their complaint on social media and respect confidentiality.

#### Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing 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;
  - interviewing staff and children/young people and other people relevant to the complaint;
  - consideration of records and other relevant information;
  - analysing information.
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- 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;
- ensure that any papers produced during the investigation are kept securely pending any appeal;
- be mindful of the timescales to respond;
- prepare a comprehensive report for the Headteacher or complaints panel that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Headteacher or complaints panel will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant,

providing the appropriate escalation details.

**Complaints Co-ordinator** (this will usually be the Clerk to the Local Governing Committee)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure;
- liaise with staff members, Headteacher, Chair of Governors, clerk, and Local Authority (if appropriate) to ensure the smooth running of the complaints procedure;
- be aware of issues regarding:
  - sharing third party information;
  - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person;
- keep records.

### **Clerk to the Governing Committee**

The Clerk is the contact point for the complainant and the panel and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to academy complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR);
- ensure that one of the panel members is independent of the management and running of the academy;
- set the date, time, and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible;
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school, and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale;
- record the proceedings;
- circulate the minutes of the meeting;
- notify all parties of the panel's decision.

### **Panel Chair**

The panel's chair, who is nominated in advance of the complaint meeting by the panel members, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting

- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy;
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person;
- the remit of the panel is explained to the complainant;
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR;
- If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting;
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself;
- the issues are addressed;
- key findings of fact are made;
- the panel is open-minded and acts independently;
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- the meeting is minuted;
- they liaise with the Clerk (and complaints co-ordinator if the school has one).

### **Panel Member**

Panel members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so;
- No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it;
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant;
- We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations;
- many complainants will feel nervous and inhibited in a formal setting;
- parents/carers often feel emotional when discussing an issue that affects their child;
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting;
- careful consideration of the atmosphere and proceedings should 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 meeting if any, the child/young person needs to attend. However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the panel considers is not in the child/young person's best interests;
- the welfare of the child/young person is paramount.

### Unreasonable complainant policy

The Headteacher and staff at the school deal with specific complaints as part of their day-to-day management of the school in accordance with its complaints procedure. They are committed to dealing with all complaints fairly and impartially and to provide a high-quality service to all those who complain. The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant.

We will not normally limit the contact complainants have with the school. We do not expect our staff to tolerate unacceptable behaviour. The school will take action to protect staff from that behaviour, including that which is abusive, offensive, or threatening.

In these circumstances the school may take action in accordance with this policy.

The Heath Academy Trust defines unreasonable behaviour as that which hinders our consideration of their or other people's complaints due to the frequency or nature of the contact with the school.

A complaint can 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 the 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;
- Raises large numbers of detailed but unimportant questions and insisting 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 academy's complaint process has been fully and properly implemented and exhausted 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 whilst 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;
- Acts in a persistent way by:
  - Sending numerous letters
  - Making multiple phone calls
  - Sending multiple e-mails
  - Leaving multiple voicemails
  - Sending multiple text messages

Complainants should try to limit their communication with the school about their complaint, whilst their complaint is being progressed. If repeated correspondence or contact is made by letter, phone, email, text or in person it could delay the progression of the investigation and an outcome being reached.

Whenever possible, the Headteacher or Chair of Governors will discuss the concerns with the complainant informally before invoking the procedure. This will be confirmed in writing.

If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and being considered under this policy. The Headteacher may also specify methods of communication and times in a communication plan. This action may or may not include barring from the school premises as detailed below. Any communication plan will be reviewed by the school after six months and lifted as appropriate.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing.



## Complaint Form

Your name:
Pupil name (if relevant):
Your relationship to the pupil (if relevant):
Address:
Postcode:
Daytime telephone number:
Evening telephone number:
Email:
Please give details of your complaint, what you think the school did wrong or did not do. Include dates, names of witnesses etc.
What action, if any, have you already taken to try to resolve your complaint? (who have you spoken with or written to and what was the outcome?).

What do you think the school needs to do to resolve matters at this stage?

What outcome are you seeking to achieve?

Please list any paperwork you are attaching:

Do you need the paperwork to be returned to you: Yes/No

Signature: .....

Date: .....

Official Use

Date form received:

Date acknowledgement sent:

Complaint referred to:

Date response sent:

Received by:

Acknowledgement sent by:

Date referred: