



COMPLAINTS POLICY AND PROCEDURE

Document Management Information

Applicable to:	All staff in all Academies and Central Support Services including individuals employed by the Trust, contractors and agency staff. All Members and Trustees.
Dissemination:	The policy will be available to staff via the Trust’s Policy Centre and website
Training:	On request
Review Frequency:	The policy will be reviewed every three years. The policy will be reviewed earlier if needed in the light of new evidence, legislation and guidance.
Policy Author:	Owen McColgan - Chief Executive
Executive Policy Owner:	Owen McColgan - Chief Executive
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V1.0	Annual review of the policy complete	September 21

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COMPLAINTS POLICY

Rationale

The Trust and our academies value the good relations they enjoy with parents and the community.

These good relations are based on mutual respect and a willingness to listen to other points of view. It is in the best interests of all parties that any concern is expressed and resolved quickly and at the earliest possible stage.

This policy has been written in response to Schedule 1 Part 7 of the Education (Independent School Standards (England) Regulations.

Aims

At the Academy, we aim to:

- ❖ Encourage resolution of problems by informal means wherever possible
- ❖ Achieve fairness to all parties
- ❖ Adopt a procedure that is simple to understand, operate and that is known and understood by parents, staff and Governors
- ❖ Allow swift handling with established time limits for action and keeping people informed of progress
- ❖ Respect people's desire for confidentiality
- ❖ Address all the points at issue and provide an effective response and appropriate redress, where necessary provide information to the Academy's senior management team so that services can be improved.

Definition and Scope

The DfE guidance explains the difference between a concern and a complaint.

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

A **complaint** is defined as “an expression of dissatisfaction, however made, about actions taken or a lack of action”.

Arrangements for handling complaints from parents of children with SEND relating to an academy's support are within the scope of this policy. Such concerns and complaints should, in the first instance, be made to the Principal/Head of School. Complaints will then be processed as dictated by the Complaints Policy. The Howard Academy Trust is committed to Inclusive education for all and welcomes diversity of culture, heritage, race, religion and intellectual and physical disability. We strive to meet the needs of all young people in our schools.

Implementation of Policy

Communication

If the complainant feels their concern has been taken seriously and dealt with sensitively, much ill will and time-consuming argument can often be avoided. It is also important to keep the complainant informed and updated of progress. Third parties that use academy premises for any purpose should be encouraged to have their own complaints procedure in place.

Inclusion

The academies will ensure everyone has access to information about the complaints procedures, and be sensitive to the needs of those who may have literacy difficulties or for whom English is not their first language. Information should be provided in the format required by the individual.

Monitoring, Evaluating and Reviewing the Effectiveness of our Policy

The policy will be monitored by the Local Governing Bodies and evaluated by the Audit, Risk Management and Policy Committee of the Trust every year.

The Governing Body should annually review with the Principal/Head of School how the complaints procedure is working and the methods by which parents are made aware of it. In such reviews certain points need to be borne in mind:

- ❖ Wherever possible complaints should be resolved informally by the Principal/Head of School and other staff without having to be referred to the Local Governing Body.
- ❖ Staff should be reminded that parental complaints often amount to no more than a request for information or clarification. Taking such informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.
- ❖ Like most other institutions, academies are liable to be defensive in responding to complaints.

A good academy displays the confidence and maturity to review its actions, practices and policies objectively and fairly in response to complaints, however difficult the situation to which these relate. The Local Governing Body should be alert to any signs that staff may be trying to stifle complaints or make parents feel that pursuing a legitimate complaint is likely to be fruitless, or are trying to take advantage of the reluctance of some parents to complain because they fear the consequences for their child or themselves.

- ❖ At each stage in the procedure, academies should keep in mind ways in which a complaint can be resolved and should encourage complainants to state what actions they feel might resolve the problem. 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 Trust policies in light of the complaint.
- ❖ Academies have sometimes to accept that there is no ready remedy against a parent who makes or pursues complaints that are or become vexatious and deflect the time and energies of staff and Governors from more constructive activities. If the complainant tries to reopen the same issue, the Chair of the Local Governing Body should inform them in writing by post or email that the procedure has been exhausted and that the matter is now closed.
- ❖ A record of all formal complaints must be kept, including whether they were resolved at Stage 2 or progressed to a Stage 3 panel heard and what action was taken by the Academy as a result of those complaints. All correspondence, statements and records relating to individual complaints must be kept confidential, except where the Secretary of State (or someone acting on his/her behalf) requests access to them.

Appendix 1 COMPLAINTS PROCEDURE

Stages of the procedure

- **Stage 1** - informal discussion with appropriate member of staff and/or Principal/Head of School
- **Stage 2** - formal written complaint to Principal/Head of School
- **Stage 3** - formal written appeal to Chair of Governors
- **Stage 4** - formal written complaint to the Board of Directors

Stage 1 - Informal discussion with appropriate member of staff and/or Principal/Head of School

Where a concern is brought to the academy's attention it can often be resolved with a single conversation. Sometimes the issue is more complex and will take more than one discussion to resolve. Complainants should be encouraged to telephone to make an appointment with the appropriate member of staff or the Principal/Head of School in order to discuss their concerns. Telephone calls should be returned **within 24 hours**. The academy should respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. Where the complaint concerns the Principal/Head of School and cannot be resolved by arranging a meeting with him/her, the complainant should be referred to the Chair of Governors. Occasionally, despite the best efforts of those concerned, these discussions do not resolve the issue which then may become a formal complaint.

Stage 2 - Formal written complaint to Principal/Head of School

The complainant should be asked to confirm the complaint in writing by post or email to the Chair/Principal/Head of School and it should be **acknowledged in writing on the day of receipt**, confirming that the investigation will be completed within 12 school days. If, however, the complaint is received on the last day of Term 6, the Principal/Head of School should attempt to contact the complainant by telephone to discuss the timescale for investigation and reporting.

The letter acknowledging the complaint should confirm the details of this conversation or, if the Principal/Head of School has been unable to make telephone contact, that the situation will be investigated at the beginning of Term 1 and suggest a date for a meeting to discuss the findings. If it becomes apparent that further investigations are necessary, new time limits should be set and the complainant informed of these together with the reasons for the delay. Principal/Head of School should notify the Chair of Governors that a formal complaint has been received, the nature of that complaint and proposed action.

The Principal/Head of School should copy relevant papers to any member of staff named in the complaint and make a full investigation. On completion of the investigation, the Principal/Head of School should arrange a meeting with the complainant to discuss the results. The complainant should be encouraged to bring a friend, interpreter or advocate to the meeting. Immediately following the meeting, a letter should be sent to the complainant outlining the results of the investigation and meeting and, if appropriate, detailing the proposed course of action. The complainant's right to refer the decision to the Chair of Governors should also be included in the letter.

Stage 3 - Formal written appeal to Chair of Governors

A complaint can only be made to the Chair of Governors if it relates to the Principal/Head of School or the complainant has:

- ❖ Already exhausted Stages 1 and 2;
- ❖ Allowed 12 school days for the Principal/Head of School to complete the investigation at Stage 2;
- ❖ Accepted any reasonable offer by the academy to discuss the findings of the investigation;
- ❖ Taken part in any process of mediation offered by the academy, such mediation should be undertaken by an independent person who has not been involved or know about the nature of the complaint; and
- ❖ Put the complaint in writing by post or email within two months of the event.

If the complaint is received on the last day of Term 6, the Chair of Governors should attempt to contact the complainant by telephone to discuss the timescale for the appeal process. The letter acknowledging the complaint should confirm the details of this conversation or, if the Chair of Governors has been unable to make telephone contact, that the situation will be investigated at the beginning of Term 1 and suggest a date for a meeting of the complaints appeal panel of the Board of Governors.

The Chair of Governors should set up a panel to deal with appeals on general complaints. This could be the committee that deals with exclusions or personnel issues, since the procedures will be similar. The panel's responsibility is to hear and decide about formal complaints that have not been resolved at an earlier stage. The Governors' appeal hearing is the last school-based stage of the complaints process and should not be convened to merely rubber-stamp previous decisions.

The panel should consist of 3 or 5 Governors who have not previously been involved in dealing with the complaint. The Principal/Head of School and teacher/staff Governors should not be members of the panel. A complaint may give rise to subsequent disciplinary proceedings against a staff member and the procedure for dealing with a complaint should therefore be kept separate from any application of the Trust's staff discipline procedure.

It is important that the appeal hearing is independent and impartial and that it is seen to be so. In deciding the make-up of the panel, Governors need to try to ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.

Many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The proceedings should therefore be as welcoming and informal as possible and the layout of the room should be non-adversarial.

The complainant should write to the Chair of Governors within two months of the event, requesting a meeting of the panel responsible for appeals on general complaints, enclosing a copy of the complaint, all supporting evidence and specifying which matters remain unresolved. No new complaints may be included.

The Clerk to the Governors should arrange all matters relating to the meeting, including the date that should be no later than 12 school days from receipt of the complaint, ensuring that it is held at a time that suits all parties. The Clerk should copy the complaint to the Principal/Head of School who will have **5 school days** in which to respond.

Any documents from either the complainant or the Principal/Head of School to be considered by the panel, and the names of any witnesses or friends who might attend, must be received by the Clerk **at least 7 school days** before the meeting. Copies of the agenda and all documents should be forwarded to the panel members, Principal/Head of School, complainant and Chair of Governors at least 5 school days before the meeting date. The Principal/Head of School should copy relevant papers to any member of staff named in the complaint.

The complainant should be encouraged to bring a friend, interpreter or advocate to the meeting.

The Principal/Head of School may bring a friend or professional representative to the meeting.

Any teachers or other members of staff required to attend can bring a friend or professional representative.

Witnesses are only required to attend for the part of the hearing in which they give their evidence. The Principal/Head of School may question both the complainant and his/her witnesses after each has spoken and the complainant may likewise question the Principal/Head of School and his/her witnesses. The panel may ask questions at any time. Having summed up the complaint and the Academy's response, the complainant and Principal/Head of School should leave together while the panel decides on the issues.

The panel should consider the complaint on the basis of the papers they receive and what is said at the meeting. The Clerk should take minutes that must remain confidential.

The committee can:

- ❖ Uphold the complaint in full or in part, and make recommendations to the Governing Body for action, and, where appropriate, suggest recommended changes to the Academy's systems or procedures to ensure that problems of a similar nature do not happen again,

or

- ❖ Decide to recommend no action be taken and give reasons for the decision.

Within 5 school days of the meeting the Clerk should send a letter to the complainant, outlining the findings, recommendations and, where relevant, the person complained about. A copy of the findings and recommendations should be made available for inspection by the Chief Executive Officer of The Howard Academy Trust, Principal/Head of School and Chair of Governors.

If the matter is still not resolved, the complainant should refer in writing by post or email to the Chair of The Howard Academy Trust. The Chair of The Howard Academy Trust will acknowledge in writing, receipt of the letter of complaint within 3 school days after receiving it.

Stage 4 - Formal written complaint to The Board of Directors

Where the complainant is not satisfied with the response to the complaint made in accordance with above points 1, 2 and 3, provision will be made for a hearing before a panel appointed by or on behalf of the CEO for The Howard Academy Trust and consisting of at least three people who were not directly involved in the matters detailed in the complaint, one panel member will be independent of the management and running of the Academy. The complainant is permitted to attend the hearing and be accompanied at a panel hearing if they wish.

If the complainant wishes to pursue the matter further, this should be done by referring the matter to the Secretary of State for Education.

Appendix 2 GUIDANCE NOTES

If you have a concern or complaint

We would like you to tell us about it. We welcome suggestions for improving our work in the academy. Be assured that no matter what you want to tell us, our support for you and your child in the academy will not be affected in any way. Please tell us of your concern as soon as possible. It is difficult for us to investigate properly an incident or problem that happened some time ago.

What to do first

Most concerns and complaints can be sorted out quickly by speaking with your child's class teacher. If you have a complaint that you feel should be looked at by the Principal/Head of School, you can contact him/her first. It is usually best to discuss the problem face to face. You may need to make an appointment to do this, and can make one by ringing or calling in to the main office.

You can take a friend or relation to the appointment with you if you want to.

All staff will make every effort to resolve your problem informally. They will make sure that they understand what you feel went wrong, and they will explain their own actions to you. They will ask what you would like the school to do to put things right. Of course, this does not mean that in every case they will come round to your point of view but it will help both you and the Academy to understand both sides of the issue. It may also help to prevent a similar problem arising again.

What to do next

If you are dissatisfied with the teacher's response you can make a complaint to the Principal/Head of School. You should talk to the Principal/Head of School first, but if you want to make a formal complaint, this should be in writing by post or email following procedures contained within this document.

If your complaint is about an action of the Principal/Head of School personally, then you should refer it to the Chair of Governors (**see 'If you are still unhappy' section below**).

The Principal/Head of School will ask to meet you for a discussion of the problem. Again you may take a friend or relation with you if you wish. The Principal/Head of School will conduct a full investigation of the complaint and may interview any members of staff or pupils involved. You will receive a written response to your complaint.

If you are still unhappy

The problem will normally be solved by this stage. However, if you are still not satisfied you may wish to contact the Chair of the Governing Body to ask for referral of your complaint to a Governors' Appeal Panel.

Your complaint will then be heard by a group of at least three Governors who have no previous knowledge of the problem and so will be able to give it a fresh assessment. You will be invited to attend and speak to the panel at a meeting that the Principal/Head of School will also attend. The Trust Complaints Procedure explains how these meetings operate.

Further action

Complaints about school problems are almost always settled within academies but, if you are dissatisfied with the academy's internal procedure you can write to the Secretary of State for Education at the Department For Education (DFE), However, please note that the role of the DfE is limited to ensuring that the academy has followed its own procedures and complied with its general duty of care; it is not the DfE's role to re-investigate and/or direct the Governors or Principal/Head of School to take a particular course of action.