



# COMPLAINTS POLICY

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## INTRODUCTION

The Hart Schools Trust (HST) is keen to offer the best possible service to all students, parents, employers, visitors and members of the community. We encourage open discussion and feedback but if any member of the school community has a concern or complaint, then we will adopt a restorative approach to resolve the issue.

These complaints procedures are not appropriate for dealing with issues that should be resolved within the framework of Grievance or Disciplinary procedures.

## PHASE 1 – DEALING WITH CONCERNS

Many concerns can be resolved by simple clarification or by providing or better communicating information and we expect that most complaints will be resolved by this informal stage. If this is not possible, however, the member of staff will assist the person who expresses a concern (the complainant) by providing them with the details for the member of staff who is the next level of escalation. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is the most important factor.

The Trust's aim is to resolve informal issues and concerns quickly and effectively and reaching a satisfactory solution for all involved. If this cannot be achieved at the first level, the complainant has the right to take the concern to the next level and discuss the issue with a Head of Department/ Head of Year (Secondary) or the class teacher (Primary). If resolution is still not achieved, the matter will be investigated by the Deputy Headteacher. Informal discussions can usually result in a satisfactory outcome; we always aim to respond to an email or message within 2 working days and complete informal investigations within one week. If the concern cannot be resolved informally, it may need to be escalated.

### LODGING A COMPLAINT

If an individual remains dissatisfied after raising a concern informally, they are entitled to raise a formal complaint. This can be done via email to the head teacher or Headteacher's PA, or as a letter submitted to the school office. If a complainant is unable to submit their complaint in writing, the School will ensure that the issues being complained about and the outcomes being requested are documented in writing. The School may do this in either of the following ways:

- Invite the complainant to a meeting with the Headteacher or Chair of Governors (depending on what stage the complaint has reached) and a Notetaker. The Notetaker will document the issues being complained about and the complainant's desired outcomes, as discussed and agreed during the course of the meeting. At the end of the meeting, the complainant will be given a copy of the notes of the meeting containing this information and the School will retain the original copy for the purpose of investigating the complaint(s).
- Signpost the complainant to independent support, including Advocacy. Advocates provide qualified, independent support for people that have difficulty understanding information and advice or who would like support in communicating their views. Advocates can help complainants to formulate their complaint and then submit it on their behalf and support them through the complaints process. POhWER was founded in Hertfordshire in 1996. They deliver services in Hertfordshire as part of the HertsHelp service, in partnership with a wide range of voluntary sector

organisations, including Advocacy. It is a free and impartial service. Their contact details are as follows:

POhWER

Telephone: 0300 456 2370

Text: send the word 'pohwer' with your name and number to 81025

Email: [pohwer@pohwer.net](mailto:pohwer@pohwer.net)

Skype: pohwer.advocacy

Post: PO Box 14043, Birmingham, B6 9BL

**Roebuck Academy:** [admin@roebuck.herts.sch.uk](mailto:admin@roebuck.herts.sch.uk) / [kinsellav@tas.herts.sch.uk](mailto:kinsellav@tas.herts.sch.uk)

**Thomas Alleyne Academy** [head@tas.herts.sch.uk](mailto:head@tas.herts.sch.uk) / [princek@tas.herts.sch.uk](mailto:princek@tas.herts.sch.uk)

## PHASE 2 - MAKING A FORMAL COMPLAINT

The HST has defined a formal complaint as '*any expression of dissatisfaction that requires a response, which has not yet been satisfactorily resolved*'. This definition will apply across all HST schools.

### GENERAL PRINCIPLES

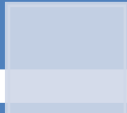
- An anonymous concern or complaint will not be investigated under this procedure, unless there are exceptional circumstances.
- To enable a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. In general, any matter raised more than three months after the event being complained of will not be considered.
- This complaints procedure should cover all complaints about any provision of facilities or services that a HST academy provides with exceptions listed in the appendix on page 9, for which there are separate (statutory) procedures.

If there is a reason why the complainant cannot provide a written complaint, they should call the main academy telephone number and speak to the Headteacher's PA.

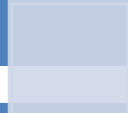
Note: If the formal complaint is against the Headteacher, the complainant should email the HST Company Secretary **Robert Dale** [rdale@nhc.ac.uk](mailto:rdale@nhc.ac.uk) c/o North Hertfordshire College, Hitchin Campus, Cambridge Road, Hitchin SG4 0JD.

## COMPLAINT FLOWCHART

**Phase 1 - Informal Resolution:** Approach class teacher (EYFS and Primary) or Head of Department/Head of Year (Secondary). for discussion about concern(s). May be escalated to Deputy Headteacher if necessary.



**Phase 2 - Formal Written Complaint:** If not satisfied with the outcome of Stage 2, write or send an email to the relevant school's headteacher - unless the complaint concerns the headteacher, HST Managing Director or Chair of Governors, in which case contact the Trust's Company Secretary. The relevant school headteacher will arrange to have the complaint investigated and may arrange a meeting. A written response to the complaint will be provided.



**Phase 3 - Unresolved Formal Written Complaint or complaint against Headteacher, HST Managing Director or Chair of Governors:** Phase 2 must have been completed before invoking Phase 3 unless the complaint is against the headteacher, HST Managing Director or Chair of Governors. The Trust Board will arrange to have the complaint investigated and the relevant Local Governing Body will convene a panel of governors to hear the evidence.

## THE HEAD TEACHER'S RESPONSIBILITIES

The head teacher will acknowledge a complaint in writing within 5 days of receipt. In some cases, the Headteacher will have already been involved in looking at the matter; in others it will be their first involvement.

The complainant may choose someone else to complain on their behalf (e.g. a friend, parent or guardian). Complainants are advised to retain their own records, copies of their complaint forms and any documents which they feel substantiate their complaint.

The Head teacher may arrange a meeting to discuss the complaint further and gather any additional information. The complainant may bring a friend to this discussion.

If the complaint is against a member of staff, the Head teacher will ask the Deputy Headteacher to act as investigating officer. If it seems that there is a case for a disciplinary investigation, this will take place and the complaints process be suspended. If not, the Headteacher will talk to the staff member against whom the complaint has been made.

If necessary, the Headteacher, or appointed staff member, will interview witnesses and take statements from those involved.

The Headteacher will endeavour to keep reasonable written records of meetings, telephone conversations and other documentation. Once all relevant facts have been established, the Head teacher will produce a written response to the complainant. The Headteacher may meet the complainant to discuss/resolve the matter before confirming the outcome in writing.

The written response will include a full explanation of the decision and the reasons for it. Where appropriate, it will include what action the school will take to resolve the complaint.

This will be completed in ten school days. However, it is recognised that this timetable is likely to prove impossible for complaints which are complex. In such cases, the Headteacher will write to the complainant giving a revised target date.

Schools will not pay financial compensation in response to complaints, though they may spend money on a relevant educational purpose (e.g. paying for a repeat examination).

If the complainant is not satisfied with the response and wishes to take the matter further, they may do so, by writing to the Company Secretary within three weeks of receiving the outcome letter (Phase 3).

## COMPLAINTS AGAINST THE HEADTEACHER, MANAGING DIRECTOR OR CHAIR OF GOVERNORS

If the complaint is wholly or mainly about the Headteacher, Managing Director or Chair of Governors, the complaint will be considered in accordance with Phase 3 of the procedure described below.

Before this takes place, the Chair of the Local Governing Body or the Chair of the Trust Board, as appropriate, will invite the Headteacher, Managing Director or Chair of Governors to respond to the complaint in writing within ten school days.

The Local Governing Body or Trust Board Chair may ask the Managing Director of the Trust to investigate on his behalf, if he or she is not the subject of the complaint.

The Local Governing Body or Trust Board Chair will send a copy of the Headteacher's response to the complainant and s/he will be asked to indicate within five school days of receipt of the response whether s/he is satisfied with the response. If the complainant is not satisfied, Phase 3 will begin as described below.

## PHASE 3 – CONSIDERATION BY THE GOVERNING BODY

If the complainant decides to take the matter further, he or she will write to the Company Secretary enclosing a complaint form and the Headteacher's response (if one has been given), and specifying what further action or outcome is desired. The Company Secretary will acknowledge receipt of the complaint and will write to the complainant to acknowledge the complaint within two school days of receipt of the complaint. A copy of the acknowledgement and the complaints form will be sent to the Headteacher or Managing Director or Chair of Governors and the Company Secretary.

### INVESTIGATING THE COMPLAINT

If the complaint has been investigated at Phase 2, the result of the investigation must be made available to the Company Secretary/Chair by the person carrying out the investigation. However:

- Where the complaint is against the Headteacher or Managing Director, the Company Secretary must decide, in consultation with the Chair of the Local Governing Body (see below) whether and how the complaint will be investigated and if the outcome desired is within the power of the Local Governing Body to procure, having regards to the authority of the Headteacher. If it is not, the Company Secretary shall so inform the complainant, with an explanation of what further avenues of appeal are open by statute.
- If outcome desired is within the power of the Local Governing Body to procure, the Company Secretary will also inform the Chair of the Governing Body and the Headteacher and convene a hearing before an Appeals Panel. All Governors are eligible to serve on the panel except governors in the employ of the School, and any governor who has a personal interest or previous involvement in the matter. One member of the Panel shall be unconnected with the School. The composition of the Panel and its Chair will be determined by the Chair of the Local Governing Body.
- Where the complaint is other than against the Headteacher or Managing Director, the Company Secretary, in consultation with the Headteacher and Chair of the Governing Body must decide if the desired outcome is within the power of the Governing Body to procure, having regard to the authority of the Headteacher and procedure.

The Panel will not normally substitute their judgement for that of the Headteacher on any matter which is clearly within the Headteacher's role to determine. The role of the appeals panel therefore will be to satisfy itself that the person making the decision:

- Informed themselves correctly about the rules which governed their decision.
- Called to their own attention all those matters they were bound to consider.
- Excluded from their own attention any matter that was irrelevant.
- Made a decision on the facts that was within the compass of decisions that a properly informed authority might take (ie was not wholly unreasonable or perverse).
- And that there was no allegation or evidence of malice or any other breach of the rules of natural justice.

Only if, at the first hearing, there is a doubt about any of the above, will the original decision be set aside and a new investigation take place. That process will start from phase 2.

## PANEL HEARING

If they decide to set up a hearing, the Panel will set up a new hearing, following the procedure set out in the paragraphs below.

- The Company Secretary shall clerk the Panel.
- The Company Secretary will write to the complainant to explain how the review will be conducted. The letter will be copied to the Headteacher.
- The Company Secretary will inform members of the Panel of the date of the meeting, which will be convenient to the complainant and the Headteacher, as far as is reasonably possible. The complainant and Headteacher will be invited to attend. The notification will inform the complainant of their right to be accompanied by a friend/representative. It will also explain how the meeting will be conducted and of the complainant's right to submit further written evidence to the Panel.
- The Headteacher will also be invited to prepare a written report for the Panel in response to the complaint.
- The Company Secretary will ensure that all relevant correspondence about the complaint is sent to panel members, the complainant and the Headteacher before the meeting.
- If the Headteacher and/or the complainant wish to call witnesses, the agreement of the Chair of the Panel will be obtained in advance of the meeting.
- It is the responsibility of the Chair to ensure that the meeting is properly conducted. However, the proceedings will be as informal as possible.
- The aim of the meeting is to resolve the complaint and achieve reconciliation between the school and the complainant. At the end of the meeting the Panel will decide what action to take or recommend.
- If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interest of natural justice to adjourn the meeting so that the other side has time to respond to the new evidence. Late evidence of witnesses will not be accepted unless there is a good reason for the lateness.

The meeting will allow for:

- The complainant to explain his or her complaint and the Headteacher to explain the reasons for his or her decision;
- The Headteacher to question the complainant about the complaint and the complainant to question the Headteacher;
- Panel members to question both the complainant and the Headteacher;
- Any party to have the right to bring witnesses (subject to the approval of the Chair) and all parties having the right to question all the witnesses.
- Final statement by the Headteacher and complainant.

The Chair of the Panel will explain to the complainant and the Headteacher that the Panel will consider its decision, and a written response will be sent to both parties as soon as possible. The complainant, Headteacher and any witnesses will then leave.



The Panel will consider the complaint and all evidence presented and reach a unanimous, or at least a majority, decision. Where appropriate the Panel can decide on the action to be taken to resolve the complaint and/or suggest recommended changes to the school's system or procedures to ensure problems of a similar nature do not happen again.

Governors will not pay financial compensation as a response to a complaint, though may spend money on an appropriate educational purpose.

The Company Secretary/Chair will send a written statement outlining the decision with reasons to both the complainant and the Headteacher.

The complainant will be advised that if they are dissatisfied with the response s/he has the right to take the matter further by complaining to the Hart Schools Trust Board of Directors.

Phase 3 will be completed in 15 school days. However, it is recognised that this timetable is likely to prove impossible for complaints which are complex. In such cases the Company Secretary of the Panel will write to the complainant giving a revised target date.

## CONFIDENTIALITY

Except in exceptional circumstances, every attempt will be made to ensure that both the complainant and the academy observe the confidential nature of issues. However, the circumstances giving rise to the complaint may be such that it might not be possible to maintain confidentiality and each complaint will be judged on its own merit. Should this be the case, the situation will be explained to the complainant and/or their representative. In the case of students raising a complaint who are aged below 18, the School may be obliged to inform their parent/guardian.

## MONITORING AND REPORTING

An annual report will be produced to record complaints raised. The Local Governing Body will monitor the handling of complaints in accordance with the School's procedures.

## REVIEW

The Trust will review the complaints procedure **every two years**.

All complaints will be recorded indicating whether resolved at primary stage or whether they proceeded to panel hearing.

## FINAL COMPLAINT OUTSIDE SCHOOL

Following the action taken above, if the complainant still feels that the matter has not been resolved to their satisfaction and, after having exhausted Phases 2 and 3 of the School's complaints procedure, they will be advised to take their complaint to the Department for Education, or any other specific regulatory body.

## UNREASONABLE COMPLAINTS

The Hart Schools Trust ('The Trust') is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The Trust defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'*.

A complaint may be regarded as unreasonable when the person making the complaint:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information that the complainant expects to be taken into account and commented on, or raises many detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- maliciously; aggressively; using threats, intimidation or violence; using abusive, offensive or discriminatory language; knowing it to be false; using falsified information; publishing unacceptable information for example via social media and newspapers.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the Headteacher or Chair of Local Governing Body will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include barring an individual from school premises.

### **BARRING FROM THE SCHOOL PREMISES**

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

If a parent's behaviour is a cause for concern, a school can ask them to leave school premises. In serious cases, the Headteacher or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing.

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

Anyone wishing to complain about being barred can do so, by letter or email, to the Headteacher or Chair of Local Governing Body or the Chair of the Hart Schools Trust Board. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

## COMPLAINTS NOT IN THE SCOPE OF THE PROCEDURE

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

<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 directly with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.</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/schooldiscipline-exclusions/exclusions">www.gov.uk/schooldiscipline-exclusions/exclusions</a> .</p>
<ul style="list-style-type: none"> <li>■ Whistleblowing</li> </ul>	<p>Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised directly with Ofsted by telephone on: 0300 123 3155, via email at: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a></p> <p>The Department for Education is also a prescribed body for whistleblowing in education.</p>
<ul style="list-style-type: none"> <li>■ Staff grievances and disciplinary procedures</li> </ul>	<p>These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.</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 direct.</p> <p>Complaints concerning assessment and accreditation are dealt with through appeals procedures set up with Awarding/Validating Bodies.</p> <p>Complaints from contractors will be dealt with as appropriate under the relevant contract terms.</p>

## FURTHER INFORMATION & RESOURCES

Department for Education: ['Best Practice Advice for School Complaints Procedures 2016](#)

Policies: **Whistleblowing, Grievance Policy, Staff Disciplinary Procedure**