

# The Heath Academy



Growing Excellent Learners

## Complaints Policy

Document Detail	
Policy Reference Number:	011
Category:	Personnel
Authorised By:	Board of Directors
Author:	Melanie Davy – Headteacher Oakhurst Community First School
Version:	2018-2
Status:	Final: May 2016 Approved: 06/07/2016 21/03/2018: Approved at Full Trust Board. No changes made.
Next Review Date:	21/03/2019

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## Definitions

*Note: these terms are standard throughout all policy documents and are designed to provide clarity*

### Section 1: The MAT

"the Academy Trust" and "Trust"	Means the Heath Academy Trust Company.
"the Board"	Means the Board of Directors of the Heath Academy Trust Company.
"the Directors"	Refers to the group of (up to 12) Directors who make up the Board, and who are also the Heath Academy Trust's "Trustees" under charity law.
"Finance Committee"	Refers to the Finance and Audit Committee formed by the Board to manage the financial affairs of the Trust.
"Accounting Officer"	Is a role held by the Chief Executive Officer ("CEO") of the Trust, and one which includes a personal responsibility for the financial resources under the Trust's control. He is accountable for the Trust's financial affairs.
"Chief Finance Officer" (CFO)	Is the Trust's finance director, and also the Trust Business Manager, to whom the Accounting Officer delegates responsibility for delivery of the Trust's financial processes and reports, and for the oversight and consolidation of the Academies' financial data.
"Trust Business Manager" ("TBM")	Fulfills the CFO role within the Trust, including compliance and statutory returns as described in the Academies' Financial Handbook.
"Leadership Team"	Is a team representing the Academies, consisting of the Headteachers and the CEO, and the TBM.

*A full description of the positions listed and their responsibilities will be found in the current Academies' Financial Handbook*

### Section 2: The Schools

"Academy"	One of the six schools making up the Heath Academy Trust.
"Academies"	All of the six Academies.
"School"	Means an Academy within the Trust.
"Finance Officer"	The person responsible for the day to day management of an Academy's financial operations.
"Governor"	Means a formally elected and appointed member of a School's Governing Body (generally referred to as the LGB).
"Headteacher"	Means the senior person at an Academy who may also be and Executive Headteacher and/ or elected as a Director of the Board.
"School's Leadership Team"	A group within each School consisting of the Headteacher, senior staff and the local Governing Body.

# Complaints Policy

## 1.0 Introduction

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The Complaints Policy is based on the principle that, where possible, a concern, difficulty or complaint will be resolved as efficiently as possible and managed sympathetically, without the need to escalate to the formal stages of the procedure. The School will try to resolve every concern, difficulty or complaint in a positive way with the aim of putting right a matter which may have gone wrong, and, where necessary, reviewing the School's system and procedures in the light of the matters raised. In this way, we aim to promote positive relationships and confidence in the School's ability to safeguard and promote the welfare of all children who attend the School.

## 2.0 Legislation

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The Complaints Policy is based on the principle that, where possible, a concern, difficulty or complaint will be resolved as efficiently as possible and managed sympathetically, without the need to escalate to the formal stages of the procedure. The School is an academy and is therefore governed by The Education (Independent School Standards) (England) Regulations 2014, Schedule 1, Part 7 ("The Regulations"). This Complaints Policy has been formulated to comply with the Regulations (as well as equality legislation and the rules of natural justice). In case of any variance between the procedure outlined in this Complaints Policy and the Regulations, the procedure outlined in the Regulations will apply.

This Complaints Policy applies to all concerns and complaints of the parents of pupils at the School, other than those involving child protection issues, or relating to admissions, exclusions and SEN, for which there are separate statutory procedures. Where a complaint is made against a member of staff, depending upon the nature and seriousness of the complaint, the matter may be dealt with under separate HR procedures, which are strictly confidential, rather than under this Complaints Policy.

The Complaints Policy distinguishes between a concern or difficulty, which can usually be resolved informally, and a formal complaint which will require further investigation.

## 3.0 Equality Action 2010

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The School will deal with concerns, difficulties and complaints in accordance with its duty under the Equality Act 2010.

## 4.0 Terms Used

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For the purpose of this Complaints Policy, a "parent" includes the natural or adoptive parent of a pupil, irrespective of whether they are, or ever have been, married, whether they are separated or divorced, whether the pupil lives with them, whether the father has parental responsibility for the pupil or whether they have contact with the pupil.

A "parent" will also include a non-parent who has parental responsibility for a pupil, an adult non-parent with whom the pupil lives.

Any reference to a "pupil" will also include a prospective or former pupil of the School.

A person making a complaint will be referred to as a "Complainant" throughout this Complaints Policy.

## 5.0 Procedure

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The School's complaints procedure consists of three stages:

Stage 1 – Concerns and difficulties, dealt with informally

Stage 2 – Complaints formally investigated by a senior member of staff, usually the Headteacher

Stage 3 – Complaint Panel Hearing

## 6.0 Time Scales

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The School aims to resolve concerns, difficulties and complaints in a timely manner. Time limits for each stage of the procedure are set out under each individual stage. For the purposes of this Complaints Policy, a “school day” is defined as a weekday, during term time, when the School is open to children. The definition of “school day” excludes weekends, school holidays and bank holidays. For the avoidance of doubt, term dates are published on the School’s website, and information about term dates is made available to parents and pupils periodically.

Although every effort will be made by the School to comply with the time limits specified under each stage of the procedure, it may not always be possible to do so, for example due to the complexity or numbers of matters raised, or due to the unavailability of the Complainant to attend a meeting, if offered. In all cases, where a time limit cannot be complied with, the School will write to the Complainant within the specified time limit, setting out the reason why the time limited cannot be complied with, and confirming the new time limit which will apply.

- **Complaints against the Headteacher**

If a complaint is about the conduct of the Headteacher, the Heath CEO will investigate the complaint under Stage 2 of this Complaints Policy.

- **Complaints against the CEO**

If a complaint is about the conduct of the CEO, the Chair of The Heath Academy Trust Board will investigate the complaint under Stage 2 of this Complaints Policy.

- **Complaints against the Chair of Local Governors**

If a complaint is about the conduct of the Chair or Local Governors, the Headteacher will consider the complaint under Stage 2 of this Complaints Policy as normal.

## 7.0 Late Complaints

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Where a complaint is submitted more than six months after the incident or event (or where the complaint relates to a series of incidents or events, more than six months, from the date of the latest incident or event) the School reserves the right to refuse to investigate the complaint under this Complaints Policy if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.

Where the school decides that a complaint which was submitted late will not be investigated, the School will write to the Complainant notifying them of the decision within fifteen school days of the complaint being received.

If the Complainant is unhappy with the decision not to investigate a complaint which was submitted late, the Complainant may write to the Chair of Local Governors at the School asking for the decision to be reviewed. The Chair of Local Governors will be provided with all documentation relating to the complaint, together with the letter from the School to the Complainant, and will review the decision not to investigate the complaint. The Chair of Local Governors will not investigate the complaint itself during this review.

The Chair of Local Governors will write to the Complainant with the outcome of the review within fifteen school days of the date that the letter from the Complainant seeking the review was received, and provide the Schools with a copy of the letter.

If the Chair of Local Governors quashes the decision not to investigate the complaint, it will be referred to the School to be dealt with under this Complaints Policy in the usual way. If the Chair of Local Governors upholds

the decision not to investigate the complaint, the Complainant may refer the concern or complaint to the Education Funding Agency using the procedure stated towards the end of this Complaints Policy. In exceptional circumstances, the Chair of Local Governors can delegate the responsibility for the review to the Vice-Chair of Local Governors.

## **8.0 Vexatious Or Repeated Complaints**

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There may be occasions when, despite a complaint being considered under all stages in this Complaints Policy, the Complainant persists in making the same complaint to the School. There may also be occasions when a Complainant raises unreasonable persistent complaints or raises complaints about matters which do not affect them. There may also be occasions when a complaint is made about a matter which is clearly so trivial that it would be a waste of the School's resources to deal with it under the formal stages of the procedure.

In all of these cases, the School reserves the right to regard the complaint as vexatious and/or repeated and to refuse to investigate it under the procedure in the Complaints Policy, if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.

Where the School decides that a complaint is vexatious and/or repeated and will not be investigated, the School will write to the Complainant within ten school days of the complaint being raised to notify them of the decision.

If the complainant is unhappy with the decision not to investigate a vexatious and/or repeated complaint, they may write to the Chair of Local Governors to ask for the decision to be reviewed. The Chair of Local Governors will be provided with all documentation relating to the current complaint and any previous complaints which were relevant to the decision, together with the letter from the School to the Complainant, and will review the decision not to investigate the complaint. The Chair of Local Governors will not investigate the complaint itself during this review. The Chair of Local Governors will write to the Complainant with the outcome of the review within fifteen school days of the date that the letter from the Complainant seeking the review was received. If the Chair of Local Governors quashes the decision not to investigate the concern or complaint, it will be referred to the School to be dealt with under the procedure in the Complaints Policy in the usual way.

If the Chair of Local Governors upholds the decision not to investigate the concern or complaint, the Complainant may refer the concern or complaint to the Education Funding Agency using the procedure stated towards the end of this Complaints Policy. In exceptional circumstances, the Chair of Local Governors can delegate the responsibility for the review to the Vice-Chair of Local Governors.

## **9.0 Anonymous Complaints**

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The School will not investigate anonymous complaints under the procedure in this Complaints Policy unless there are exceptional circumstances.

## **10.0 Resolution Principles**

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It is in everyone's interests that concerns, difficulties and complaints are resolved to the satisfaction of all parties at the earliest possible stage. The way in which the concern, difficulty or complaint is dealt with after the matter is first raised by the Complainant can be crucial in determining whether the complaint will escalate. To that end, members of staff will be periodically made aware of the procedure in this Complaints Policy, so that they will know what to do when a concern or difficulty is raised with them.

At each stage of the complaints procedure, the investigator will consider how the complaint may be resolved. In considering how a complaint may be resolved, the investigator will give due regard to the seriousness of

the complaint. It may be appropriate in order to bring the complaint to a resolution for the investigator to offer:

- an explanation
- an apology
- reassurance that steps have been taken to prevent a recurrence of events which led to the complaint
- reassurance that the School will undertake a review of its policies and procedures in light of the complaint.

None of the above will constitute an admission of negligence or an acceptance of liability on behalf of the School.

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### **11.0 Outcome Principles**

Examples of outcomes include:

- There was insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The investigation did not substantiate the matters raised, so the complaint cannot be upheld
- The complaint was substantiated in part or full. A description should be given of the remedial action being taken by the School as a consequence of the complaint. Details of any disciplinary action or sanctions to be taken against a member of staff are strictly confidential and cannot be disclosed
- The matter has been fully investigated and, as a consequence, further confidential procedures are being pursued. Details of any disciplinary action or sanctions to be taken against a member of staff are strictly confidential and cannot be disclosed.

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### **12.0 Record Keeping**

A full written record will be maintained centrally at the School of all complaints resolved under Stage 2 or 3. These will include what action was taken by the school. Records of complaints will be destroyed when the pupil to which they relate reaches the age of twenty-four years or, in the case of a pupil with a statement of special education needs, until the pupil reaches the age of thirty years.

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### **13.0 Confidentiality**

All correspondence, statements and records relating to individual complaints will be kept confidential, except where access is requested by the Secretary of State or someone acting on his/her behalf.

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### **14.0 Staff Training**

The Heath MAT will make sure that all staff likely to be involved in handling complaints will be made aware of this Complaints Policy, so they will know what to do when a concern is raised.

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### **15.0 Stage 1: Concerns & Difficulties**

#### **1. Concerns**

The School expects that most concerns and difficulties, where a parent or pupil seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Examples might include dissatisfaction about some aspect of teaching or pastoral care, allocation of privileges or responsibilities, disagreement between pupils, a timetable clash, and issue with the School's systems or equipment, or a billing error.

#### **2. Notification**

The concern of difficulty should be raised as follows:

- Education issues – if the matter relates to the classroom, the curriculum or special education needs the Complainant should speak to the class teacher, as appropriate.

- Pastoral care – for concerns relating to matters outside the classroom, the Complainant should speak to the Deputy Headteacher, Headteacher or SENCo as appropriate
- Disciplinary matters – a problem over any disciplinary action taken or a sanction imposed should be raised with the member of staff who imposed it in the first instance. If not resolved, the Complainant should speak to the Headteacher or Deputy Headteacher.
- Financial and administrative matters – a query relating to fees, extras or other administrative matters should be raised by the Complainant with the Finance Office or the School Secretary
- An issue with a specific member of staff. We consider the best way to resolve an issue with a specific member of staff is to raise it with that member of staff directly, so that they are given the opportunity to address and resolve the concern or difficulty before it becomes a formal complaint. If the Complainant feels uncomfortable doing this, however, the issue should be raised with the Headteacher.

Should a member of staff with whom the concern or difficulty has been raised, feel that they are not the best person to be dealing with it, they will refer it to the Headteacher or other designated member of staff as appropriate.

If a concern or difficulty is raised with a member of staff who feels that it raises serious issues which should be dealt with as a formal complaint immediately, the member of staff will tell the Complainant that they should put their complaint in writing to the Headteacher under Stage 2 of this Complaints Policy. If the Complainant would prefer to complete a form instead of writing a letter, the Complainant can complete the Formal Complaint Form contained in Appendix 1 of this Complaints Policy to submit their complaint formally.

### **3. Unresolved Concerns And Difficulties**

The School will aim to resolve a concern or difficulty within fifteen school days of the date that it was raised. Where a concern or difficulty has not been resolved by informal means within this time limit, the complainant can submit the matters raised as a formal complaint under Stage 2 of this Complaints Policy.

### **4. Record Of Concerns And Difficulties**

The member of staff dealing with a concern or difficulty will make a written record of the issues raised, the action taken and, if applicable, the resolution reached, which will be retained in the central record. Further information in relation to the retention of records can be found earlier on in this Complaints Policy.

## **16.0 Stage 2: Formal Complaint To The Headteacher Or Senior Member Of Staff**

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### **1. Notification**

A concern or difficulty raised under Stage 1 or this Complaints Policy which remains unresolved after fifteen school days, or a serious matter which requires formal investigation from the outset, should be set out in writing using the Formal Complaint Form, and sent to the Headteacher/Deputy Headteacher at the School.

Should a formal written complaint be received by another member of the School's staff, they will immediately be passed onto a senior member of staff.

The Complainant should clearly set out the matters in dispute, the relevant dates, the full names of the persons involved and what the Complainant believes the School should do to resolve the complaint. Any documentation relied upon by the Complainant should be attached to the formal complaint.

### **2. Acknowledgement**

The formal complaint will be acknowledged in writing within ten school days of receipt. The acknowledgement letter will confirm the date that the formal complaint was received, the action to be taken and the specified time limit.



### **3. Investigation**

The Headteacher/Deputy Headteacher will be provided with the results of the Stage 1 informal procedure (if applicable) within ten school days of receipt of the formal complaint, and will then proceed to investigate the complaint. This will involve obtaining and considering all documentation held by the School which is relevant to the complaint. If further information is required from the Complainant, this may be requested from them over the telephone or in writing.

The Headteacher/Deputy Headteacher will speak to the person(s) who were involved in the matters raised by the Complainant. Pupils will only be spoken to with an independent member of staff present to support them.

Where there is an issue about the conduct of a member of staff, that member of staff will be offered the option of having another member of staff present. Other members of staff will be spoken to alone. A written record of the conversation will be made, and the pupil or member of staff spoken to will be asked to read, sign and date the written record to confirm that it is accurate. In the case of the pupils the accompanying independent member of staff will also be asked to sign and date the record of the conversation.

If the Headteacher/Deputy Headteacher deems it to be appropriate in relation to the matters raised the Complainant will be offered a meeting to discuss the issues raised. This may take place at the beginning of the investigation to clarify any matters which are unclear, or after the investigation has taken place with the aim of reaching an amicable resolution.

### **4. Outcome**

The Headteacher/Deputy Headteacher will write to the Complainant confirming the outcome of the investigation within twenty school days from the date that the complaint was received. The letter will set out the individual matters raised by the Complainant, the findings made by the Headteacher/Deputy Headteacher during the course of the investigation and the conclusion reached. The letter will inform the Complainant that, if they are unsatisfied with the outcome of the Stage 2 investigation, they should write to the Chair of the Trust Board within five school days of receipt of the letter requesting a Complaint Panel Hearing under Stage 3 of this Complaints Policy.

Where the complaint was received during a school holiday or within twenty days from the end of a term or half-term, the senior member of staff dealing with the complaint will endeavour to expedite the investigation wherever possible.

## **17.0 Stage 3: Complaint Panel Hearing**

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### **1. Notification**

If the Complainant is unsatisfied with the outcome of the review under Stage 2 of this Complaints Policy the Complainant may write to the Chair of the Trust Board requesting a Complaint Panel Hearing. The complainant should write to the Chair of the Trust Board within ten school days of receiving the letter confirming the outcome following Stage 2.

The Complainant should not repeat the matters raised in their original letter or attach documentation already provided, but should clearly set out how and why the Complainant does not accept the findings made under Stage 2.

### **2. The Complaint Panel**

The Complaint Panel will consist of three persons appointed by the Board on behalf of the Trust. None of the three Complaint Panel members will have been involved in the matters which gave rise to the complaint, have been involved in dealing with the complaint previously or have any detailed prior knowledge of the complaint.

Two of the complaint Panel members may be Governors and/or members of the Trust Board. The third Complaint Panel member will be independent of the management and running of the School.

The Department for Education has issued guidance in relation to the appointment of the independent Complaint Panel member as follows:

*Whilst we do not wish to be prescriptive about who schools should appoint as an Independent person, our general view is that people who have held a position of responsibility and who are used to analysing evidence and putting forward balanced arguments would be suitable.*

*Examples of persons likely to be suitable are serving or retired business people, civil servants, heads or senior members of staff at other schools, people with a legal background and retired members of the police force. Schools will of course have their own views.*

### **3. Attendance**

The Complainant may attend the Complaint Panel Hearing, and may be accompanied by another person. For the avoidance of doubt, the Complainant's supporter will be present for moral support only and will not play any part in the proceedings, unless invited to do so by the Chair of the Complaint Panel, entirely at his or her discretion and for a good reason. The Complaint Panel Hearing is not a legal hearing and it is not appropriate for either the Complainant or the School to be legally represented. Reasonable notice of the panel hearing date must be given to the Complainant.

The School will be represented at the Complaint Panel Hearing by the person who dealt with the complaint under Stage 2. This person will be referred to as the "School's Representative" for the purposes of Stage 3. The Complaint Panel Hearing will be minuted by the Board Secretary.

### **4. Convening The Complaint Panel Hearing**

After selecting the Complaint Panel members, the Board Secretary will write to the Complainant within ten school days acknowledging receipt of their request and informing them of the names of the Complaint Panel members. If the Complainant objects to any of the named persons being appointed to the Complaint Panel, they should notify the Board within three school days of receipt of the letter. Fair consideration will be given to any bona fide objection to a particular member of the Complaint Panel.

The Board Secretary will liaise with the Complaint Panel, the Complainant and the School's Representative to agree a mutually convenient date for the Complaint Panel Hearing, which will usually take place within twenty school days of receipt of the Complainant's request, unless there are exceptional circumstances.

The Board Secretary will write to the Complainant confirming the date of the Complaint Panel Hearing within ten school days of the date that the acknowledgement letter was sent (or the date that the new Complaint Panel member was selected, if an objection was received and upheld). If the Complaint Panel Hearing does not take place within twenty school days of receipt of the Complainant's request, the letter will set out the exceptional circumstances involved.

### **5. Documentation**

The Board will forward a copy of all paperwork relating to the complaint (consisting of the record of the Stage 1 informal procedure (if applicable), the original letter of complaint or Complaint Form, any documentation provided by the Complainant with their complaint, all investigation records under Stage 2 with the letter or outcome, the Complainant's letter requesting a Complaint Panel Hearing and accompanying documents, to the Complainant, the School's Representative and the three Complaint Panel members. The names of individuals other than the Complainant, the Complainant's family, members of the School's staff and Governors, will be redacted and replaced with a letter relevant to that particular individual unless they have provided their written consent for their name to be disclosed. If the Complainant wishes the Complaint Panel to consider any additional information, they should forward this documentation to the Board Secretary to

arrive at least five school days before the Complaint Panel Hearing, to enable the Board Secretary to forward it to the School's Representative and the Complaint Panel members.

## **6. Witnesses**

The Chair of the Complaint Panel Hearing will decide, at his or her absolute discretion, which witnesses will be permitted to attend the Complaint Panel Hearing to give a verbal statement rather than relying on a written statement or record of meeting which have been signed by the witness.

If the Complainant wishes to rely on the account of a witness, they should ask the witness to write down, sign and date their account and forward it to the Board Secretary at least five school days before the Complaint Panel Hearing, to enable the Board Secretary to forward it to the School's Representative and the Complaint Panel members.

Witnesses under the age of eighteen other than the Complainant's own family will only be allowed to attend the Complaint Panel Hearing at the discretion of the Chair of the Complaint Panel, and then only if they are accompanied by one of their parents. Any written accounts provided by the Complainant related to the witnesses under the age of eighteen must be signed and dated by the witness and one of the witness's parents.

Members of staff of the School involved in the matters which gave rise to the complaint will usually have provided a signed written account or have signed a note of a meeting during the previous stages, which will be forwarded to all parties with the other complaint documentation in the usual way. Members of staff will not usually be required to attend the Complaint Panel Hearing to give a verbal statement unless their conduct is in issue or their account is contentious and the rules of natural justice dictate that the Complainant should be allowed to ask that member of staff questions.

## **7. Procedure At The Complaint Panel Hearing**

The Complaint Panel Hearing will be conducted as follows:

- The Clerk to the Complaint Panel will greet the Complainant, the Complainant's supporter and the School's Representative and welcome them into the room where the Complaint Panel has convened (any witness will remain outside of the room until they are called in to give their account)
- The Complainant will be invited by the Complaint Panel to give an account of their complaint
- The School's Representative will be invited to ask the Complainant questions, if any
- The Complaint Panel will ask the Complainant questions, if any
- At the discretion of the Chair of the Complaint Panel, the Complainant's first witness will be invited into the room to give an account of what they saw or know
- The School's Representative will be invited to ask the Complainant's witness questions, if any
- The Complaint Panel will ask the Complainant's witness questions, if any
- The Complainant's witness will be asked to leave the room
- If the Complainant has any further relevant witnesses, at the discretion of the Chair of the Complaint Panel, they will be invited into the room individually to provide their accounts and be questioned as outlined above
- The School's Representative will be invited by the Complaint Panel to respond to the complaint and make representations on behalf of the School
- The Complainant will be invited to ask the School's Representative questions, if any
- The Complaint Panel will ask the School's Representative questions, if any
- At the discretion of the Chair of the Complaint Panel, the School's relevant first witness will be invited into the room to give an account of what they saw or know
- The Complainant will be invited to ask the School's witness questions, if any
- The Complaint Panel will ask the School's witness questions, if any

- The School's witness will be asked to leave the room
- If the School has any further relevant witnesses, at the discretion of the Chair of the Complaint Panel, they will be invited into the room individually to provide their accounts and be questioned, as outlined above
- The Complainant will be invited by the Complaint Panel to summarise their complaint
- The School's Representative will be invited by the Complaint Panel to summarise their response to the complaint and the School's stance
- The Complaint Panel Hearing will conclude and the Complainant and the School's Representative will be asked to leave

Please note that behaviour considered unacceptable will lead to a warning. If this unacceptable behaviour continues the meeting will be terminated.

## **8. The Complaint Panel's Decision**

The Complaint Panel will convene in private, either immediately after the Complaint Panel Hearing or on a subsequent date, and will consider all of the documentation and everything that they have heard at the Complainant Panel Hearing and make:

## **9. Findings Of Fact**

The Complaint Panel will decide which facts are established to be true, on a balance of probabilities (i.e. more likely than not). If a fact is not deemed relevant, The Complaint Panel will not consider it further. The Complaint Panel will make a written record of the facts that have been established, those which have not been established and those which are not relevant, with their reasons for making these findings.

## **10. Recommendations**

The Complaint Panel will consider the facts which they have established and will make recommendations based upon them. These recommendations may be aimed at achieving reconciliation between the parties, improving procedures or preventing a recurrence in the future. The Complaint Panel will keep a written record of their recommendations, with reasons.

## **11. Notification of The Complaint Panel's Decision**

The Board Secretary will write, within fifteen school days of the Complaint Panel Hearing, to the Complainant, the School's Representative and any person who is the subject of the complaint. The letter will identify each of the issues complained about, summarise how the Complaint Panel Hearing proceeded, and confirm each of the Complaint Panel's findings of fact and recommendations, if any, with reasons. The letter will also confirm that, if the Complainant believes that this Complaints Policy does not comply with the Regulations, or that the School has not followed the procedure outlined in this Complaints Policy, the Complainant may refer their complaint to the Education Funding Agency for further consideration.

The Board Secretary will also ensure that a copy of the Complaint Panel's findings and recommendations are made available on the School's premises for inspection by the CEO of the Trust, The Local Governing Body and Trustees.

## **12. Factors For The Complaint Panel To Consider**

- It is important that the Complaint Panel Hearing is independent and impartial, and that it is seen to be so. No person may sit on the Complaint Panel if they have had a prior involvement in the matters which gave rise to the complaint, in dealing with the complaint in the previous stages, or have a prior detailed knowledge of the complaint
- The aim of the Complaint Panel Hearing, which must be held in private, will always be to resolve the complaint and achieve reconciliation between the School and the Complainant. However, it has to be

recognised that the Complainant may not be satisfied with the outcome if the Complaint Panel does not find wholly in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the Complainant that his or her complaint has been taken seriously

- An effective Complaint Panel will acknowledge that many Complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The Chair of the Complaint Panel will ensure that the Complaint Panel hearing is as welcoming as possible, while ensuring that it is procedurally fair to all parties
- Extra care needs to be taken when the Complainant is a child, or there are child witnesses present. Care should be taken to ensure that the child does not feel intimidated. The complaint Panel should be aware of the views of the child and give them equal consideration to those of the adults present.
- Where the child's parent is the Complainant, it would be helpful to give the parent the opportunity to suggest which parts of the hearing, if any, the child should attend, with the Chair retaining discretion
- The Complaint Panel should ensure that they are familiar with the complaints procedure in advance of the Complaint Panel Hearing.

The Chair of the Complaint Panel will play a key part at the Complaint Panel Hearing, ensuring that:

- The remit of the Complaint Panel is explained to the parties and each party has the opportunity of making representations without undue interruption
- All of the issues raised in the complaint are addressed
- Each party treats the other with respect and courtesy
- The Complaint Panel is open minded and acts independently of the School
- No member of the Complaint Panel has a vested interest in the outcome of the proceedings
- Each side is given the opportunity to state their case and ask questions
- All written material is seen by all parties. If a new issue arises during the course of the Complaint Panel Hearing, it would be useful to give all parties the opportunity to consider and comment on it.

## **18.0 Referral To The Education Funding Agency**

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Once a complaint has been through all the stages of this Complaints Policy, if the Complainant believes that this Complaints Policy does not comply with the Regulations, or that the School has not followed the procedure in this Complaints Policy, the complainant can refer the complaint to the Education Funding Agency for consideration.

The Complainant can find further information about referring a complaint to the Education Funding Agency by pasting this page into an internet browser:

<http://www.education.gov.uk/schools/leadership/schoolperformance/boo212240/makingcomplaintschool/complaints-free-schools-academies>

The Complainant should be aware that the Education Funding Agency will not usually investigate the complaint itself, or interfere with the findings of the Complaint Panel, unless the decision made was manifestly unreasonable.

The Local Governing Body will monitor complaints to help identify patterns.

## **19.0 Communication**

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This Complaints Policy must be made available to parents and published online on school websites. Where requested a hard copy should be given to parents.

## 20.0 Contact Details

Board Secretary: 07769 11444 / [j.lolley@holtheathalliance.com](mailto:j.lolley@holtheathalliance.com)

### Appendix 1

#### Heath Academy Trust Formal Complaint Form

Please complete this form and return it to the school office or to the Headteacher, who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:	
Relationship with school (e.g. parent of a pupil on the school roll):	
Pupil's name (if relevant to your complaint):	
Your Address:	
Telephone Numbers:	
E-mail Address:	

Please give concise details of your complaint, (including dates, names of witnesses etc.) to allow the matter to be fully investigated:

You may continue on separate paper, or attach additional documents, if you wish.

Number of additional pages attached:

What action, if any, have you already taken to try to resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?)

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

*School use:*

*Date form received:*

*Received by:*

*Date acknowledgement sent:*

*Acknowledgement sent by:*

<i>Complaint referred to:</i>			
<i>Date:</i>			

## **Appendix 2**

### **Heath Academy Trust Complaint Panel Hearing Request Form**

Please complete this form and return it to the Headteacher, who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:	
Your Address:	
Telephone Numbers:	
E-mail Address:	

Dear Sir

I submitted a formal complaint to the school on ..... and am dissatisfied by the procedure that has been followed.

My complaint was submitted to ..... and I received a response from  
..... on .....

I have attached copies of my formal complaint and of the response from the school.

I am dissatisfied with the way in which the procedure was carried out, because:



You may continue on separate paper, or attach additional documents, if you wish.

Number of additional pages attached -

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

Signature:

Date:

*School Use:*

*Date form received:*

*Received by:*

*Date acknowledgement sent:*

*Acknowledgement sent by:*

<i>Request referred to:</i>			
<i>Date:</i>			

### **Appendix 3**

#### Acknowledgement Of Receipt Of Formal Complaint And Invitation To Meet

Date:

Dear (Name of Complainant)

I have received your formal complaint, dated ..... I am grateful that you have brought this to my attention.

The school and Local Governing Body take any complaint seriously. Therefore, I would like to meet with you, as soon as possible, so that I may understand the details of your concerns more clearly. You are welcome to be accompanied to the meeting by a friend, if you would find this helpful. Please telephone xxxxxxxxxx in order to arrange an appointment.

I hope that we will be able to resolve your concerns through our meeting, but if not I will ensure that the appropriate investigation takes place.

Yours sincerely

Headteacher

or

Chair of Local Governing Body

## **Appendix 4**

### Notification Of Decision Regarding Formal Complaint

Dear

Following receipt of your complaint and careful consideration of all the available relevant evidence, I/the panel have/has concluded that:

The concern is not substantiated by the evidence in that .....

or

The concern was substantiated in part/in full, as ....The school will review its practices/procedures ....with the intention of avoiding any reoccurrence. Parents will be informed in due course of any policy changes.

or

In order to address fully the matters investigated, the school has initiated appropriate internal procedures. Due to the nature of these procedures, their outcome must remain strictly confidential. We are confident, however, that the circumstances that gave rise to your complaint should not recur.

or

In order to address fully the matters of concern that you identified, the panel recommended that the Local Governing Body should review its xxxxxxxxxxxx policy, as a matter of urgency. We are confident that this should prevent similar concerns arising in the future.

I hope that this will now conclude the matter and we can look to the future working together for the benefit of your child and the school.

Yours sincerely

Headteacher/Chair of Local Governing Body/Chair of Panel

## **Appendix 5**

### Complaint Panel Hearing Outcome Notification

Dear

Having carefully considered your representations in the context of the relevant evidence, the Complaint Review Panel has concluded that the school followed the relevant procedure appropriately in respect of your complaint.

Summary of reasons .....

Therefore, we now consider the matter closed.

or

Having carefully considered your representations in the context of the relevant evidence, the Complaint Review Panel has concluded that the school followed the relevant procedure appropriately in respect of your complaint except .....

Therefore the following action will be taken .....

Once this action has been completed the school will consider the matter to be closed.

or

Having carefully considered your representations in the context of the relevant evidence, the Complaint Review Panel has concluded that the school followed the relevant procedure appropriately in respect of your complaint except .....

However the panel determined that this procedural failure did not affect the outcome of the consideration of your complaint so, while we regret this error, we will now consider this matter to be closed as far as the school is concerned.

Yours sincerely

Chair of Complaints Review Panel

cc: Headteacher, Chair of Local Governing Body

## Appendix 6

### Complaint Panel Hearing Checklist

Task	Date Completed	Completed By
<b>Prior To The Hearing</b>		
Panel to remember that complainant may feel nervous and inhibited in a formal setting, may also be emotional		
Chair to ensure that hearing is as welcoming as possible, whilst ensuring procedurally fair to all parties		
<b>During The Hearing</b>		
Chair to ensure introductions are made		
Chair to ensure that all parties are aware that the complaint panel is acting independently of the school and that no panel member has a vested interest in the outcome of the proceedings		
Chair to ensure remit of the complaint panel is explained and that each party has opportunity of making representation without undue interruption		
Chair to ensure each side is given an opportunity to state their case and ask questions		
Chair to ensure all issues raised in the complaint are addressed		
<b>On Completion Of The Hearing</b>		
Chair to ask all parties to leave the room to facilitate discussion in private by the complaint panel, panel to consider all documentation and everything the panel have heard		
Chair to ask all parties back into the room and ask any final questions		
Chair to ask all parties for any final questions/comments		
Chair to explain next step: Decision to be reached by complaint panel, following which an outcome letter and minutes of the hearing will be emailed and posted by company secretary within 15 school days of the hearing		
Chair to thank all for attending and close the hearing		
Company secretary to ensure letter includes: <ol style="list-style-type: none"> <li>1. Each issue raised</li> <li>2. Summary of how hearing proceeded</li> <li>3. Confirm findings of fact and outcome and recommendations</li> <li>4. Confirmation that complainant can refer complaint to EFA for further consideration if the complainant believes policy does not comply with regulations or that the school has not followed the procedure outlined in the Complaints Policy</li> </ol>		
Company secretary to email and post outcome letter and minutes to: <ol style="list-style-type: none"> <li>1. Complainant</li> <li>2. School's Representatives</li> <li>3. Headteacher</li> </ol>		
Company secretary to ensure copy of outcome letter and minutes are available on school premises for inspection by CEO, LGB and Trustees		