



Hanley and Upton Educational Trust

Complaints Policy

Stage	Version	V1.0 (13.07.2017)
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	Frequency	Every 3 Years
1	Consulted at Leadership Forum and discussed with LGB Chair	June 2017
2	Approved by HUET Board	July 2017
3	Uploaded to HUET Website Uploaded to HCHS LGB Website Uploaded to Kempsey School LGB Website Uploaded to Hanley Swan Primary School LGB Website	July 2017
4	Uploaded to HCHS School VLE Uploaded to Kempsey School VLE Uploaded to Hanley Swan Primary School VLE	July 2017
5	Next Review Date	July 2020

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This policy is consistent with the DfE “Best Practice Advice for Schools Complaints Procedure” updated in January 2016.

The Hanley and Upton Educational Trust ('the Trust') and its member academies recognise that at times things can and do go wrong. The Trustees, head teachers, staff and members of the Local Governing Bodies ('LGBs') believe that it is in everyone's best interest to resolve concerns and complaints at the earliest possible stage.

The purpose of this complaints policy is:

- To set out the consistent and fair procedure by which the Hanley and Upton Educational Trust and its member academies will deal with complaints relating to the Trust or its academies and any community facilities or services that the Trust or its academies provide.
- To give clear guidance to any parent or other party wishing to make a complaint against the Trust or its academies.
- For complaints not in the scope of this procedure see Annex C.

Definitions – the difference between a concern and a complaint:

- A 'concern' may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*'.
- A complaint may be generally defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.
- Many issues can be resolved informally, without the need to invoke formal procedures. The Trust and its academies will take informal concerns seriously and make every effort to resolve the matter as quickly as possible.
- There are occasions when complainants would like to raise their concerns formally. In those cases, the Trust's formal procedure will be invoked through the stages outlined within this procedure.

1. Specific Complaints Procedures

- 1.1 There are other specific complaints procedures available for certain specialist areas (as listed below). If the complaint relates to any of the following, the appropriate procedure should be followed:
- Complaints about the National Curriculum
 - Pupil admissions – appeals process
 - Special educational needs
 - Employee grievances and disciplinary proceeding.
- 1.2 Complaints regarding racist incidents follow the general procedures laid out in this document. However, minor differences are laid out at Annex A2.

2. Publishing details of the Complaints Procedure

The HUET and its academies publish details of this Complaints Procedure and any out-of-time limits the Trustees have prescribed in the following ways:

- In academy prospectuses
- On the HUET and academy websites – pdf version available.
- In new student information packs
- In Home-School agreements
- In newsletters

3. General Principles

- 3.1. This procedure contains advice for resolving complaints, flowcharts to indicate time limits and advice on the conduct of meetings.
- 3.2. Every attempt will be made to adhere to the time limits specified in the flow charts and detailed procedures which follow, but these may in exceptional circumstances be exceeded. In such cases the academy / Trustees will advise the reasons and set a new time-scale.
- 3.3. A complaint will usually be considered as 'out-of-time' if it is raised more than 3 months after the matter is known to the complainant, although exceptions will be considered at the discretion of the Chair of LGBs / HUET.
- 3.4. Anonymous complaints will not be investigated.
- 3.5. The aim of this policy is to resolve concerns at the earliest opportunity, and effect reconciliation if there has been friction. If the complaint needs to be formalised, the complainant will be asked to write down the substance of the complaint on a form, an example of which is found in Annex B. This form will also invite a view about what actions might be felt to resolve the problem.
- 3.6. Where a complaint is found to be valid it might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, 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 issue 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 academy policies in light of the complaint.
- 3.7. Serial complainants – please see Annex D.
- 3.8. The HUET or academy will keep complaints confidential at all stages unless disclosure is required by law or to allow the complaint to be properly investigated.

4. Complaints to an academy other than those concerning the head teacher or chief executive officer (CEO) (Refer to Annex A for flow diagram)

- 4.1. All complaints, other than those which concern the CEO or an academy's head teacher, must be addressed to the academy in question.
- 4.2. Academies will monitor and record parents/carers compliments, concerns and complaints. This will endorse and ensure the continuation of our good practice.

5. Stage 1 (Informal)

- 5.1. Our experience is that the vast majority of concerns and complaints can be resolved informally to the full satisfaction of those who raise them. There are many occasions where concerns can be resolved straight away, providing the complainant with the benefit of an immediate response, and avoiding the need to submit a formal complaint.
- 5.2. Concerns may be raised with any member of the academy's staff, depending on the type of issue to be discussed.
- 5.3. By their nature, we do not impose specific timescales for dealing with concerns at this stage, or monitor them formally, although all issues will be considered as quickly and effectively as possible.
- 5.4. If the person is dissatisfied with the discussion, they should refer to Stage 2 below.
- 5.5. Where the first approach is made to a Trustee or member of a LGB, the next step must be to refer the complainant to the appropriate person and advise them about the procedure.
- 5.6. Trustees and members of LGBs must not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.
- 5.7. Concerns are usually addressed to a member of staff who is directly involved in a situation, the class teacher or to a student's form tutor.
- 5.8. Where any member of staff becomes aware of a voiced concern, they should deal with it themselves if it is appropriate, and they feel comfortable in doing so. Many concerns can be resolved by simple clarification or the provision of information. It is anticipated that most concerns can be readily resolved at this informal stage. Where the person approached feels uncomfortable with dealing with the matter directly, they should involve their line manager.
- 5.9. In the case of serious concerns (or where the academy deems it more appropriate to do so) it may be necessary to refer these matters directly to the head teacher.
- 5.10. Where the concern is specifically about the head teacher, similarly the complainant should discuss this with him/her at this stage first.
- 5.11. The concern will be noted (including the outcome) and copied to the head teacher. Where the subject of the concern is the head teacher, he/she will copy the record to the Chair of the LGB and the CEO.
- 5.12. Where informal attempts by the academy have failed to bring about a satisfactory resolution for the complainant, the complainant is entitled to request that the concern be treated more formally as a complaint. Unless the complaint directly concerns the CEO or head teacher, it will be him/her who deals with this next stage (Stage 2).

- 5.13. If the concern is specifically about the CEO or an academy head teacher, and the complainant has had the opportunity in Stage One to discuss the matter with the CEO or head teacher, the complainant can then directly contact the Chair of the HUET (in the case of the CEO) or the LGB (in the case of a headteacher) about Stage 2.

6. Stage Two (Formal) Dealt with by head teacher

- 6.1. If the complaint concerns the head teacher, the Chair of the LGB is personally responsible for following the procedures in Stage Two.
- 6.2. Where a complaint is made about the CEO who is also the head teacher of one of the HUET's academies, the Chair of the HUET will determine whether the complaint refers to their role as head teacher, in which case the complaint will be referred to the LGB, or to their role as CEO, in which case the complaint will be referred to the HUET. The Chair of the LGB or HUET will be personally responsible for following the procedures in Stage Two.
- 6.3. In all other cases the head teacher deals with this stage.
- 6.4. This stage can be initiated if / when dissatisfaction with the outcome of Stage One is received by the HUET or academy. At this point, a copy of the Complaints Procedure will be sent to the complainant within 3 school days, together with the formal complaint form (Annex B).
- 6.5. The form is structured so that each party has a common understanding about the complaint. As the main purpose of the process is to achieve reconciliation, complainants are also asked what actions might resolve the problem.
- 6.6. After the formal complaint form is returned, it will be acknowledged within 3 school days and the investigation will commence.
- 6.7. This is the first stage of the formal complaints process and as a result, all communications between parties will be recorded.
- 6.8. The head teacher (or Chair of HUET or a LGB if the complaint refers to the CEO or a head teacher) may delegate the task of collating the information to another staff member, but not the decision on the action to be taken. The investigation should involve the review of any relevant documentation and information. If necessary, witnesses will need to be interviewed and statements taken from those involved. If the complaint centres upon a pupil, the pupil will also usually be interviewed.
- 6.9. The outcome of the investigation shall be communicated to complainants, either at a meeting (followed up in writing) or as a written response. This response will explain the outcome and should be supported by reasons for reaching this decision and what action, if any, will be taken. (If management action is subsequently required against an employee of the school, the parents / carers will not have access to this information). This response should be provided within 10 school days of acknowledging the complaint.
- 6.10. If the complainant is still dissatisfied with the response given and would like to take the complaint further, they should make this clear in writing to the head teacher. On receipt, s/he will send on the complaint form and all associated information to the Chair of the LGB.
- 6.11. In the case of the head teacher, if the complainant is still dissatisfied, and wishes to take it further, they should inform the Chair of the LGB, who will then initiate Stage Three.
- 6.12. In the case of a complaint made against the CEO (in their role as CEO), if the complainant is still dissatisfied, and wishes to take it further, they should inform the Chair of the HUET, who will then initiate Stage Three.

7. Stage Three (Formal) Dealt with by Trustee or Governors' Panel

- 7.1. On receipt of the information from the head teacher, the Chair of the HUET or LGB will verify that the complainant has properly exhausted all Stage Two procedures. If not satisfied, the Chair will refer the matter back to the head teacher. When satisfied, the Chair will contact the Secretary to the HUET or LGB and liaise with him or her to make preparatory arrangements for the HUET or LGB Complaints Panel Meeting.
- 7.2. The clerk may be the Secretary to the HUET or LGB, or, in exceptional circumstances, an externally appointed independent clerk.
- 7.3. Where possible, the Chair of the HUET or LGB will identify two Trustees or governors chosen from an agreed pool of Trustees or governors and a third panel member independent of the management and running of the HUET or academy to form the Complaints Panel, and the Panel will appoint its own chair. If an independent panel member is not available a third Trustee or governor will be identified.
- 7.4. The Chair of the HUET or LGB or Clerk to the Trustees' or Governors' Complaints Panel will acknowledge (to the complainant) receipt of the information from the head teacher within 5 school days.
- 7.5. This letter will inform the complainant that the complaint will be heard by the Complaints Panel within 15 school days of the acknowledgement being sent by the Chair of the HUET or LGB or Clerk of the Panel. In exceptional circumstances, the complainant will be notified where this timed period will need to be extended and the reasons for this.
- 7.6. The Clerk of the Panel will convene a meeting of the Complaints Panel, (as identified by the Chair of the HUET or LGB), and arrange a time and date for the meeting. All relevant documentation from the head teacher and the complainant will be distributed to all parties, (including the Panel members) in advance of the meeting.
- 7.7. The Panel has discretion as to how it will carry out its duties. As part of this, complainants will be asked to attend a meeting of the Panel (with accompanying relative or friend if desired).
- 7.8. The complainant must present their own complaint. An accompanying friend, relative or other person should only accompany the complainant to offer support, not present the complaint.
- 7.9. In the same way, members of staff may be supported by a friend, member of staff or member of their professional association.
- 7.10. The Chair of the Panel needs to ensure that the parent/carer is notified of the Panel's decision in writing **within 5 school days** of the meeting. The response will include action (if any) that needs to be taken and where appropriate, suggest changes to, or review of, the HUET or academy's systems or procedures to ensure that similar problems do not happen again.
- 7.11. If the complainant, CEO or head teacher perceives due process has not been followed, s/he may wish to refer the matter to Stage 4 for adjudication.

8. Stage 4 (Formal) The Role of the Secretary of State for Education.

- 8.1. **The remit of the Secretary of State for Education is only to review due process.** Complainants are entitled to complain in writing to the Secretary of State for Education if they believe that their complaint was not handled fairly and in accordance with the HUET's complaints procedures. This involvement of the Secretary of State for Education will only commence once the complainant has exhausted all of the HUET and academy-

based stages (up to, and including, a HUET or LGB Complaints Panel, Stage 3 of the Complaints Procedures).

8.2. Complaints must be submitted in writing to:-

The School Complaints Unit (SCU)
Department for Education
2nd Floor
Piccadilly Gate
Manchester
M1 2WD

8.3. The written complaint must include the following information:-

- details of the original complaint
- the decision and recommendations/action (if any) of the HUET or LGB Complaints Panel
- reason for believing the original complaint was not dealt with fairly and in accordance with the HUET's complaints procedures
- the expected or desired outcome.

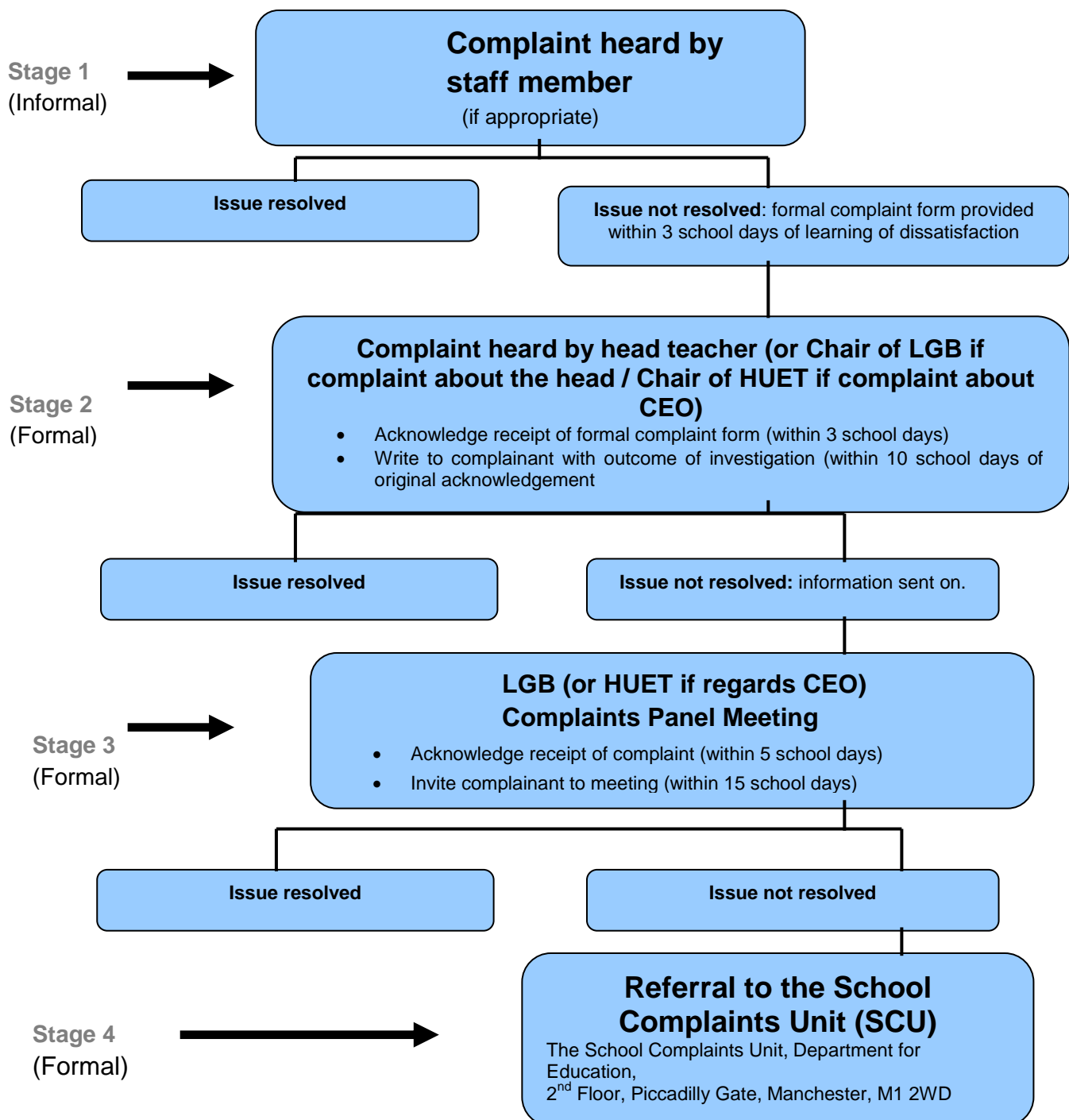
8.4. It should be noted that the SCU will only look at whether policies and procedures have been properly followed and statutory policies complied with. It will not normally reinvestigate the substance of the complaint which remains the responsibility of the HUET or its academies.

8.5. If the SCU identifies any breaches the Secretary of State can intervene if they feel that the HUET or LGB has acted unlawfully, unreasonably or failed to discharge its duty.

9. Reporting to the HUET and LGBs

9.1. The academies will provide an annual report to the HUET and LGB, detailing how many complaints at Stage 2 or above have been received, how many reached each stage, what the outcomes were, and what actions the academies have taken as a result.

School Complaints Procedure/Policy Flowchart



School Complaints Procedure/Policy Flowchart – Racist Incident

Summary of Dealing with Complaints

Stage 1
(informal)



Complaint heard by staff member (if appropriate)

- Ensure head teacher is informed of outcome

Issue resolved
Head teacher to ensure that complaint is logged as having a racist element

Issue not resolved
Academy will provide a formal complaint form within 3 school days of learning of dissatisfaction.

Stage 2
(formal)



Complaint heard by head teacher

- Acknowledge receipt of complaint form (within 3 school days)
- The head teacher will inform Children’s Services and Chair of LGB
- The Headteacher may approach the WREC for advice
- Write to complainant with outcome of investigation (within 10 school days of original acknowledgement)
- [copy to Children’s Services]

Issue resolved

Issue not resolved: information sent on to the LGB

Stage 3
(formal)



LGB Complaints Panel Meeting

- Acknowledge receipt of complaint (within 5 school days)
- Issue letter inviting complainant to meeting (within 15 school days)
- Send copy of complaints form to Children’s Services
- Chair of Panel to seek advice from Children’s Services WREC
- Issue letter confirming panel decision (within 5 school days)

Issue resolved

Issue not resolved

Stage 4
(formal)



Referral to the School Complaints Unit

The School Complaints Unit,
Department for Education,
2nd Floor,
Piccadilly Gate,
Manchester,
M1 2WD

What action, if any, have you already taken to try and resolve your complaint? Whom did you speak to, when and what was the response?

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

Are you attaching any paperwork? If so, please give details.

Signature.....

Date.....

Official Use:

Date of acknowledgement sent	
Acknowledgement sent by	
Complaint referred to	
Date	

Complaints not in scope of this procedure

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

Exceptions	Who to contact
<ul style="list-style-type: none"> • Admissions to academies • Statutory assessments of Special Educational Needs (SEN) • Academy re-organisation proposals • Matters likely to require a Child Protection Investigation 	<p>For academy admissions, concerns should be raised with the admission authority (the academy or schools adjudicator).</p> <p>Concerns regarding SEN should be raised with the academy SENCO or direct with the local authority (LA).</p> <p>Any child protection concerns should be raised immediately with the academy's designated safeguarding lead or headteacher.</p>
<ul style="list-style-type: none"> • Exclusion of children from academies 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p>
<ul style="list-style-type: none"> • Whistleblowing 	<p>Academies have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to:</p> <p>WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD.</p> <p>The Department for Education is also a prescribed body for whistleblowing in education.</p>
<ul style="list-style-type: none"> • Staff grievances and disciplinary procedures 	<p>These matters will invoke the academy's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.</p>
<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use academy premises or facilities. 	<p>Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.</p>

Policy for Unreasonable Complainants

The Hanley and Upton Educational Trust and its member academies are 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 HUET or its academies. 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 HUET defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the HUET or its academies, 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 which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with 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 HUET or academy 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 in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with the HUET or an academy 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 CEO, head teacher or Chair of the HUET or LGB will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the CEO, head teacher or Chair of the HUET or LGB will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who make excessive contact, 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 banning an individual from one or all HUET academies.