



Policy Title	Complaints
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Contents

Item	Page No
Summary of complaints procedures (Stages 1-3)	3
Procedures for dealing with complaints	5
Complaints outside the complaints policy	5
Investigating complaints	6
Resolving complaints	6
Formal Complaints	7
Remit of the Governors' Appeal Panel	8
Roles and responsibilities of the Clerk	9
Notification of the Panel's decision	10
Attendance at a Complaints Panel Hearing	10
Serial or persistent complaints	10
Unreasonable complaints	10
School's responses to unreasonably persistent Complaints, harassment or improper use of formal procedure	12
Physical or verbal aggression	12
Record keeping	12
Department for education	13
Appendix 1 – Guidance for staff investigating complaints	14
Appendix 2 – Checklist for panel hearing	15
Appendix 3 – Complaint form	16
Appendix 4 – Appeal form	18

Summary of complaints procedures

Please refer to main document for more details.

STAGE 1 - The complainant raises a concern. (Refer to Parts 1 - 3 of Complaints Policy.)

- the concern may be raised by telephone, email, letter, in person.
- the recipient of the concern directs the concern to the most appropriate person e.g. form tutor for behaviour, safety, wellbeing concerns or subject tutor for academic concerns.
- the school will usually acknowledge receipt of the concern within 48 hours by email, telephone or letter unless there are exceptional circumstances. (If the complaint is made in person e.g. to main reception it is not always possible to speak to the right person due to teaching/management commitments.)
- the school will aim to resolve the concern by telephone or face-to-face meeting within 48 hours (this might not be possible due to school holidays or other circumstances).
- the recipient of the concern will decide whether they are the correct person to resolve the complaint or it should be escalated to a more senior member of staff or the safeguarding team e.g. Subject Leader, Head of Year, Senior Leader

IF NOT RESOLVED

Stage 2 - The complainant makes a formal complaint (Refer to parts 1 - 3, appendices 2 and 3 of the Complaints Policy.)

- the complainant completes the Complaints Form, Appendix 3.
- the school acknowledges the complaint in writing within 5 school days.
- the school carries out an investigation of the complaint.
- the school provides written response within 15 school days of any meeting or within 15 days of receiving the written complaint.

IF THE FORMAL COMPLAINT IS NOT RESOLVED

Stage 3 - The complainant makes an appeal in relation to the complaint (Refer to parts 5 - 8 of the Complaints Policy.)

- the complainant completes the Appeal Form, Appendix 4 and sends it to the Clerk to the Governing Body.
- the Clerk acknowledges the Appeal within 5 school days.
- the Panel carries out an investigation of the complaint.
- the hearing will take place within 15 days of the Appeal.
- the Panel provides a written response within 15 school days or within 15 school days of any meeting.

Important note:

A concern or complaint will not be accepted if the parent/carer sends it on company/organisational headed paper or through a company/organisation email address unless that complaint is from that company/organisation. The perception might be a conflict of interest. Where this happens the school reserves the right to contact the organisation and make them aware.

Procedures for dealing with complaints

At The Hayfield School we undertake to provide a friendly and safe environment in which students will be helped to achieve their potential, both academically and socially. We recognise, however, that sometimes things can go wrong and parents, carers and members of the public may need to make a complaint or raise concerns they have with the school. This policy tells you what to do if this happens.

This policy sets out the guidelines and procedures to ensure a complaint is dealt with in the most effective and efficient manner and ensures there are clear systems in place for any stakeholder to make the school aware of any concerns (this includes dealing with concerns and complaints from people who are not parents of attending pupils).

Concern or Complaint?

It is important to distinguish between concerns and complaints.

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 generally be defined as 'an expression of dissatisfaction however made, about actions taken or lack of action'.

Dealing effectively with informal concerns at an early stage will reduce the numbers that develop into formal complaints and minimise the impact on pupils, parents and staff.

Complaints outside the scope of the Complaints Policy

The complaints policy covers all complaints about any provision of facilities or services that a school provides. It **does not** cover incidents which occur outside the school environment, or the following areas for which there are separate statutory procedures:

- School Admissions
- Assessments of Special Educational Needs (SEN)
- School Reorganisation Proposals
- Matters likely to require a Child Protection Investigation
- Exclusion of Children from School
- Whistleblowing
- Staff Grievances and Disciplinary Procedures
- Complaints about other providers using school premises or facilities

1 Principles

1.1 Informal concerns relating to the school or the provision of facilities or services will be treated seriously at the earliest stage.

1.2 Concerns will be handled by the most appropriate person. In all circumstances we would expect parents or carers to initially contact the relevant member of support staff, Class Teacher or Tutor. Staff will escalate to Heads of Department, Heads of Year or a member of the Leadership Team to contact the complainant where they

are unable to resolve the issue themselves, or if the seriousness of the issue warrants it.

1.3 We will endeavour to deal with concerns straight away, where this is practical, by telephone, email or face to face, but parents and carers should be aware that prior notice will be required in most cases due to teaching and management commitments. In all instances, a record of the complaint and the outcome of the contact made should be kept.

1.4 If a concern needs further investigation, collection of information or referral to another member of staff, then a record of the concern and action taken so far should be passed to that member of staff. Full details of the investigation, including any contact made with the complainant, must be kept and filed once the matter has been resolved.

1.5 Where a parent or carer's concern cannot be resolved informally and they wish to make a formal complaint, then they must complete a complaint form (appendix 3)

1.6 The Headteacher must be kept informed of any complaints against staff at all stages.

2 Investigating Complaints

It is suggested that at each stage, the person investigating the complaint makes sure that they:

- establish what has happened so far and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview.

3 Resolving Complaints

3.1 At each stage of the procedure, the person dealing with the complaint should keep in mind ways in which a complaint can be resolved. 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
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

3.2 Complainants should be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

3.3 An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

3.4 Every effort will be made to resolve the problem to the satisfaction of the complainant at this informal stage. Possible outcomes include:

- complaint resolved to the satisfaction of the complainant;
- complaint not resolved to the satisfaction of the complainant;
- complaint dealt with under another procedure.

4 Formal Complaints

4.1 When concerns have been discussed with but not resolved, then a complaint may be made formally provided it falls under the scope of the Complaints policy. This should be in writing using the complaint form (appendix 3), addressed to the Clerk to the Governing Body.

He/she must set out the facts and state what it is that the complainant considers should have been done or where the academy has not met reasonable expectations.

4.2 The school will acknowledge the complaint within 5 school days and ensure that any complaint is fully investigated. The school will delegate responsibility for investigating the complaint to the most appropriate member of staff. The investigator will put his/her findings in writing and will indicate what, if any, future steps should be taken to resolve the matter.

4.3 Once an investigation is completed, the school will review all the information and discuss the findings with the complainant with the aim of resolving the complaint to the complainant's satisfaction. The investigation may include the offer of a meeting with the complainant, whenever reasonably possible. A written response to the complainant including key findings and what, if any, steps should be taken will be sent within 15 school days of any meeting; if no meeting is arranged it will be sent within 15 school days of the written complaint being received.

4.4 For complaints about members of staff:

The school may decide to conduct an investigation under the Disciplinary Procedure. In this event, the complainant will be informed of this decision. However, the school's disciplinary procedures require that all details of proceedings remain confidential, and consequently the complainant will not be informed of the outcome.

4.5 The school will inform the Chair of Governors if any complaint cannot be resolved following an investigation. Details of the investigation and a report of action taken will be kept in writing.

4.6 Where the complaint concerns the Headteacher, the complainant should address their concerns, in writing, to the Chair of Governors. An independent representative from either another academy or LA will be appointed to undertake the

investigation with support from the Leadership Team. The findings from the complaint will be reviewed by the Governing Body Complaints Panel.

The Governing Body Complaints Panel will comprise of at least 3 people who have not had any direct involvement in the matters detailed in the complaint. One or more panel members will be independent of the management and running of the school, such as from another academy trust or the local authority, for example. The panel will review all evidence and decide on any possible outcomes. Individual complaints will not be heard by the whole Governing Body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

4.7 Possible outcomes from a complaint include:

- complaint withdrawn;
- complaint dismissed;
- complaint upheld or partially upheld;
- complaint dealt with under another procedure;
- if appropriate, make recommendations to change the school's systems or procedures to ensure that problems of a similar nature do not recur.

4.8 Every attempt will be made to resolve the complaint so that it promotes closure in the matter and enables parents/carers and teaching staff to move forward constructively. However, it may also be the case that, at any stage of the procedure, there is insufficient evidence to reach a conclusion so that the complaint cannot be upheld.

4.9 Where the complainant remains dissatisfied he/she may request an appeal by completing an appeal complaint form (appendix 4). Any such request must explain why the complainant remains dissatisfied, what remedies are being sought and be lodged within 10 school days of the complainant receiving the findings in writing. The request must be addressed to the Chair of Governors and forwarded to the Clerk to the Governing Body.

A complaint will not be heard if the event took place more than 3 months previously.

5 Remit of the Governors' Complaints Appeal Panel

The Governors' Complaints Appeal Panel will comprise of at least 3 people who have not had any direct involvement in the matters detailed in the complaint. One or more panel members will be independent of the management and running of the school, such as from another academy trust or the local authority, for example. The panel will review all evidence and decide on any possible outcomes.

There are several points which any Governor sitting on a Governors' Complaints Appeal Panel needs to remember:

- it is important that the appeal hearing is independent and impartial and that it is seen to be so. No Governor may sit on the Panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the Panel, Governors need to try and ensure that it includes a cross-section of the categories of Governor and that all panel

members, including the independent member(s) referred-to above, are sensitive to the issues of race, gender and religious affiliation.

- the aim of the hearing, which needs to 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 the complainant might not be satisfied with the outcome if the hearing does not find 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 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 Panel Chair will ensure that the proceedings are as welcome as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- the Governors sitting on the Panel and the independent panel member(s) need to be aware of the complaints procedure.

6 Roles and Responsibilities

The Role of the Clerk

It is recommended that any Panel or group of Governors considering complaints be clerked. The clerk would be the contact point for the complainant and be required to:

- Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible; the hearing will be arranged within 15 working days of receipt of the Appeal.
- Send an invitation to the complainant ensuring they are aware that they can be accompanied;
- Collate any written material and send it to the parties in advance of the hearing;
- Meet and welcome the parties as they arrive at the hearing;
- Record the proceedings;
- Notify all parties of the Panel's decision.

The Role of the Chair of Governors or the Nominated Governor

The nominated Governor role:

- Check that the correct procedure has been followed;
- If a hearing is appropriate, notify the Clerk to arrange the Panel.

The Role of the Chair of the Panel

The remit of the Panel is explained to the parties and each party has the opportunity of putting their case without undue interruption.

- The issues are addressed;
- Key findings of fact are made;
- Parents and others who may not be used to speaking at such a hearing are put at ease;

- The hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- The Panel is open minded and acting independently;
- No member of the Panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- Each side is given the opportunity to state their case and ask questions;
- Written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

7 Notification of the Panel's Decision

The Chair of the Panel needs to ensure that the complainant is notified of the Panel's decision, in writing, within 15 school days, and the Clerk will notify all concerned. The Appeal Panel may:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on any further action to be taken;
- if appropriate, make recommendations to change the school's systems or procedures to ensure that problems of a similar nature do not recur.

8 Attendance at a Complaints Appeal Panel Hearing

The Complaints Appeal Panel will only be arranged if the complainant can attend. If the complainant does not confirm attendance or fails to attend on the day without compelling reasons, the Complaints Appeal Panel will not proceed and the complainant will lose their right to the complaint being heard. Any further attempt to re-open the matter will be considered as falling under the serial or persistent complaint section.

9 Serial, Persistent or Vexatious Complaints

If there is an occasion when, despite all stages of the complaints procedure having been followed, the complainant remains dissatisfied and tries to re-open the same or a closely related issue, the Chair of Governors may write to inform them that the procedure has been exhausted and that the matter is now closed. The school will not respond to any further correspondence on any issue or related issue once the complaints procedure has been exhausted.

10 Unreasonable Complainants

The Hayfield School is committed to dealing with all complainants fairly and impartially. We will not normally limit the contact complainants have with the school, but we will in instances where staff have been subject to unacceptable behaviour, including that which is abusive, offensive or threatening.

The Hayfield School defines unreasonable complainants as those who, because of the frequency or nature of their contacts with the school would cause significant disruption to the safe and effective operation of the school, harass or threaten any member of staff, or engage in vexatious complaints by seeking to re-open matters that have already been the subject of a concluded complaints procedure.

11 Unreasonable Complaints Process

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 the complaint where the academy'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 person who makes the same complaint repeatedly (with minor differences).
- a person who seeks an unrealistic outcome and persists until it is reached; or
- a person with a history of making other unreasonably persistent complaints.

A complaint may also be considered unreasonable if the person making the complaint acts in a manner which is:

- malicious, aggressive, threatening, intimidating or violent;
- made using abusive, offensive or discriminatory language;
- made knowing the complaint to be false;
- made using falsified information;
- otherwise made using conduct which is intended to intimidate, harass or is otherwise similarly inappropriate.

Where a complainant acts in an unreasonable fashion, the Headteacher or Chair of Governors may at any time inform the complainant that the complaints procedure has been exhausted and has come to an end by reason of the conduct of the complainant.

12 Schools' responses to unreasonably persistent complaints, harassment or improper use of a formal procedure

Sometimes parents or carers pursuing complaints or other issues treat staff and others in a way that is unacceptable. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour towards any members of the school community.

The aim of this procedure is to provide information about our school policy on unreasonably persistent complainants or harassment of staff.

We will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty. However, in cases of unreasonably persistent complaints or harassment, the school may take some or all of the following steps, as appropriate:

- inform the complainant informally that his/her behaviour is now considered by the school to be unreasonable or unacceptable, and request a changed approach;
- inform the complainant in writing that the school considers his/her behaviour to be unreasonable.
- deal with the behaviour using the Managing Violent and Abusive visitors to School policy.
- require all future meetings with a member of staff to be conducted with a second person present. In the interest of all parties notes may be taken.
- inform the complainant that, except in emergencies, the school will respond only to written communication and that these may be required to be channelled through the Governing Body.

13 Physical or verbal aggression

The governing body will not tolerate any form of physical or verbal aggression against members of the school community. If there is evidence of any such aggression the school may:

- ban the individual from entering the school site, with immediate effect;
- request police involvement and potentially criminal prosecution.
- take action using civil processes under anti-harassment legislation.

Further details are provided in the Managing Violent and Abusive visitors to School policy.

Legitimate new complaints will always be considered, even if the person making them is (or has been) violent or abusive or has made unreasonable complaints. The school nevertheless reserves the right not to respond to communications from individuals subject to the policy.

14 Record Keeping

A written record will be kept of all complaints resolved at the formal stage of the complaints procedure. The school reserves the right to record all meetings. Notes of all meetings held and of telephone conversations will be kept on record. All such records are subject to the Freedom of Information and Data Protection Acts. Content should be factual and objective. All stages of the process should be documented in a single file held centrally by the Clerk to the Governing Body.

15 Department for Education

We hope that we will be able to resolve any complaint using this complaints procedure. If you feel this is not the case, you can complain to the Education and Skills Funding Agency, which handles complaints about Academies and Free schools. The following link provides guidance on their procedure for dealing with complaints about academies and links to the EFA complaints form.

<http://www.gov.uk/complain-about-school>

16 Monitoring, Evaluation and Review

The Hayfield School will review this procedure within two years and assess its implementation and effectiveness.

Appendix 1

Guidance for Staff Investigating Complaints

It is suggested that at each stage, the person investigating the complaint, makes sure that they:

- establish what has happened so far, and who has been involved;
- make a note of the complaint;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview.

You should normally offer an appointment to discuss the issue as quickly as possible, as this will give both parties time to talk about it calmly and politely without being interrupted. This can allow parties to remain calm. It will also show a commitment to resolving issues. Complaints need to be considered, and resolved, as quickly and efficiently as possible (see procedure).

However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

At each stage in the procedure you will want to keep in mind ways in which a complaint can be resolved. 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 event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review academy policies in light of the complaint.

It is useful if complainants are encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence. An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

Appendix 2

Checklist for a Panel Hearing

The Panel needs to take the following points into account:

- the hearing is as informal as possible.
- witnesses are only required to attend for the part of the hearing in which they give their evidence.
- after introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- the Headteacher may question both the complainant and the witnesses after each has spoken.
- the Panel may ask questions at any point.
- the complainant may question both the Headteacher and the witnesses after each has spoken.
- the Panel may ask questions at any point.
- the complainant is then invited to sum up their complaint.
- the Headteacher is then invited to sum up the school's actions and responses to the complaint.
- both parties leave together while the panel decides on the issues.
- the Chair explains that both parties will hear from the Panel within a set time scale.

Appendix 3

Complaint Form; (please address to the Clerk to the Governing Body at The Hayfield School)

Parent/Carer's Details	
Parent/Carer's Name	
Student's Name and Form	
Relationship to the Student	
Address	
Telephone Number(s)	
The Complaint	Please give specific details of your complaint (attach additional sheets if necessary)

What Action have you already taken to try to resolve your complaint? (who did you speak to and what was the response?)

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

Signature of Parent

Date

School action:

Date Received:
Date acknowledgment sent:
By:

Appendix 4

Appeal Complaint Form – To the Chair of Governors (please forward to the Clerk to the Governing Body at The Hayfield School)

Parent/Carer's Details	
Parent/Carer's Name	
Student's Name and Form	
Relationship to the Student	
Address	
Telephone Number(s)	
The Appeal Complaint	Please give specific details of your appeal against the way your complaint was handled by the school (attach additional sheets if necessary)
What would you like the school to do to address your appeal complaint?	
Signature of Parent	Date
School action:	
Date Received:	
Date acknowledgment :	
By:	

