

# Complaints Policy

For The Hawksmoor Learning Trust

	Signed:	Date:
Date adopted by Trustees:	on behalf The Hawksmoor Learning Trust	January 2022



# Contents

Complaints Policy.....	1
Purpose .....	3
Principles.....	4
Investigating Complaints .....	4
Resolving Complaints .....	4
Unreasonable Complaints – Vexatious Complaints.....	5
Time-Limits.....	5
Stage 1 – Raising a concern .....	6
Stage 2 – Formal Complaint heard by the Head of School.....	6
Stage 3 – Complaint heard by Chair of the Local Academy Board.....	6
Stage 4 – Complaint heard by the Local Academy Board’s Complaints Panel .....	6
Stage 5 - Complaints heard by the Trustees.....	7
Local Academy Board Review .....	7
Publicising the Procedure .....	7
Summary of Complaints Procedure .....	7
Contact Details .....	8
Relevant Legislation and Guidance.....	8

## Purpose

We want all pupils and their families to be happy with the education we offer and the policies and procedures we follow. The majority of issues raised by parents, the community or pupils, are concerns rather than 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 be generally defined as an 'expression of dissatisfaction however made, about actions taken or lack of action.'

The Hawksmoor Learning Trust is committed to taking concerns seriously, at the earliest stage, in the hope of keeping the number of formal complaints to a minimum and without needing formal procedures. However, depending on the nature of the complaint each school will follow the Trust's formal complaints procedure agreed by staff, local governors, and trustees. For the school to be able to investigate a complaint, it needs to be made within one year of the incident occurring. If a complaint is older than a year it will not be investigated.

The prime aim is to resolve the complaint as fairly and speedily as possible. Formal complaints will be dealt with in a sensitive, impartial, and confidential manner. Malicious complaints may incur appropriate action by the school. The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

This procedure takes into account the guidance in DfE Best practice guidance for academies complaints procedures: <https://www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure/best-practice-guidance-for-academies-complaints-procedures>

## Principles

At The Hawksmoor Learning Trust our Complaints Procedure will:

- encourage resolution of problems by informal means wherever possible;
- be easily accessible and publicised;
- be simple to understand and use;
- be impartial;
- be non-adversarial;
- allow swift handling with established time-limits for action and keeping people informed of the progress;
- ensure a full and fair investigation by an independent person where necessary;
- respect people's desire for confidentiality;
- address all the points at issue and provide an effective response and appropriate redress, where necessary;
- provide information to the school's senior management team so that services can be improved.

## Investigating Complaints

At each stage, the person investigating the complaint will ensure 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);
- 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.

## Resolving Complaints

At each stage in the procedure The Hawksmoor Learning Trust will 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 school policies in light of the complaint.

Complainants will be encouraged to state what actions they feel might resolve the problem at any stage.

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.

# Unreasonable Complaints – Vexatious Complaints

If a complaint is made that raises an issue that has already been dealt with via the school's complaints procedure, and that procedure has been exhausted, the school will not re-investigate the complaint unless there are exceptional circumstances, for example where new evidence has come to light.

If a complainant persists in raising the same issue, the Head of School will write to them explaining that the matter has been dealt with fully in line with the school complaints procedure, and therefore the case is now closed. The complainant will be provided with the contact details of the Department for Education (see the end of this document) if they wish to take the issue further.

Unreasonable complaints include the following scenarios:

- the complainant refuses to co-operate with the school's relevant procedures;
- the complainant changes the basis of the complaint as the complaint progresses;
- the complainant seeks an unrealistic outcome;
- excessive demands are made on the time of staff and school governors, and it is clearly intended to aggravate;
- the complainant acts in a way that is abusive or offensive.

The Head of School will use their discretion to choose not to investigate these complaints. If they decide to take this course of action, the Chair of Governors must be informed, explaining the nature of the complaint and why they have chosen not to investigate. If the Chair deems it appropriate to, they can redirect the Head of School to investigate the complaint. The full complaints procedure will then commence from stage one on this direction.

If the Chair upholds the Head of School's decision not to look into the complaint, and the complainant deems this decision to be so unreasonable that no other rational body in the same position would have made that decision, then the complainant may write to the Department for Education.

## Time-Limits

Complaints need to be considered, and resolved, as quickly and efficiently as possible. The Hawksmoor Learning Trust complaints procedure has realistic time limits for each action within each stage. 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.

The following details outline the stages that can be used to resolve complaints. The Hawksmoor Learning Trust Complaints Policy, for all its' academies, has four main stages. In summary they are as follows:

- Stage One: complaint heard by staff member (though not the subject of the complaint).
- Stage Two: complaint heard by Head of School.
- Stage Three: complaint heard by Chair of Governors.
- Stage Four: complaint heard by Governing Body Complaints Appeal Panel.
- Stage Five: complaint heard by a panel of Trustees.

## Stage 1 – Raising a concern

If a parent has any concern about their child's welfare, learning or the education that we are providing at school, they should, in the first instance, discuss the matter with their child's class teacher or Year Leader. Most matters of concern can be dealt with in this way. All teachers work very hard to ensure that each child is happy at school and is making good progress; they always want to know if there is a problem, so that they can take action before the problem seriously affects the child's progress. Concerns can be raised with the school at any time and will often generate an immediate response, which will resolve the concern.

On some occasions the concern raised may require investigation, or discussion with other staff, in which case the parent will receive an informal but informed response within a day or two. The majority of concerns will be satisfactorily dealt with in this way. On some occasions where a parent feels that a situation has not been resolved through contact with the class teacher, or that their concern is of a sufficiently serious nature, they should make an appointment to discuss it informally with the Head of School who will give careful consideration to all complaints and deal with them as swiftly as possible.

We aim to resolve any complaint through dialogue and mutual understanding, and, in all cases, we put the interests of the child above all other issues. We provide sufficient opportunity for any complaint to be fully discussed, and then resolved. The vast majority of concerns are resolved quickly.

If the complainant is not satisfied with the result at stage 1, they should make contact by phone/email/in writing within 10 school working days and state what they would like the school to do. The school will then look at the complaint at Stage 2.

## Stage 2 – Formal Complaint heard by the Head of School

Formal complaints should be put in writing and addressed to the Head of School.

The complaint will be logged, including the date it was received. The Trust will normally acknowledge receipt of the complaint within 5 school working days of receiving it. In many cases this response will also report on the action the school has taken to resolve the issue. Alternatively, a meeting may be convened to discuss the matter further. This meeting will normally take place within 10 school working days. The aim will be to resolve the matter as speedily as possible. However, if the complainant is still not satisfied with the result at stage 2, they should write to or call the school within 10 school working days of getting our response. They should tell the school why they are still not satisfied and what they would like the school to do.

## Stage 3 – Complaint heard by Chair of the Local Academy Board

If the matter has not been resolved at Stage 2, the Head of School will inform the Chair of the Local Academy Board and arrange further investigation. Following the investigation, the Chair of the Local Academy Board will normally give a written response within 10 school working days. The Chair of the Local Academy Board will also consider the outcome of the investigation and whether to convene a Complaints Panel. The hearing will normally take place within 10 school working days of the receipt of the written request for Stage 3 investigation.

## Stage 4 – Complaint heard by the Local Academy Board's Complaints Panel

The aim of the Complaints Panel hearing is to impartially resolve the complaint and to achieve reconciliation between the school and the complainant. Any review of the process followed by the school will be conducted by a panel of three members of the Local Academy Board who are not directly involved in the incident. One of the panel will be independent to the management and running of the school. This will usually take place within 10 school days of receipt of the request.

The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations should be considered sympathetically. All parties will be notified of the Panel's decision in writing within three school working days after the date of the hearing. The complainant may contact the trustees at THLT for review of the process and the decision if they are dissatisfied and wish to take the matter further.

In cases where the matter concerns the conduct of the Head of School, the Chair of the Local Academy Board and Executive Principal for the Trust will be informed of the complaint. The Chair of the Local Academy Board will arrange for the matter to be investigated. In cases where the matter concerns the conduct of a member of the Local Academy Board, the Chair of the Local Academy Board should be informed of the complaint.

## Stage 5 - Complaints heard by the Trustees

Include:

- Unresolved complaints where, after following the complaints process through to Stage 4, a complainant wants to take the matter further.
- Concerns regarding the Chair of the Local Academy Board or any individual local governor. These should be made in writing to the Executive Principal or the Chair of the Trustees.
- Concerns relating to the Executive Principal or any member of the Executive Group. These should be raised with the Chair of Trustees. The Chair of Trustees will convene a panel of three trustees as well as an independent person not directly involved in the Trust to hear the complaint.

Hearings will normally take place within 10 school working days of the receipt of the written request for Stage 5 investigation.

## Local Academy Board Review

The Local Academy Board will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the Local Academy Board will not name individuals.

As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to ongoing school improvement and the school may be able to identify underlying issues that need to be addressed. The monitoring and review of complaints by the Trust and the Local Academy Board will be a useful tool in evaluating a school's performance.

All schools within The Hawksmoor Learning Trust 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 school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive, or threatening.

## Publicising the Procedure

There is a legal requirement for the Complaints Procedures to be publicised. This requirement will be fulfilled by including details in:

- the school website;
- any report/communication from the governors to parents;
- the information given to new parents when their children join the school.

## Summary of Complaints Procedure

- Stage 1 – Complaint is raised with the child's class teacher. This may be answered immediately or within two days if further investigation is necessary.
- Stage 2 – Complaint heard by the Head of School. Formal complaints should be put in writing to the Head of School who will organise to meet with parents/carers.
- Stage 3 – Complaint heard by Chair of Governors. A written response will be made by the Chair who will then consider the outcome of the investigation and whether to convene a Complaints Panel.
- Stage 4 – Complaint heard by Governors' Complaints Panel – all parties will be notified of their decision within three working days.
- Stage 5 – Complaint heard by a panel of Trustees within 10 school working days.

## Contact Details

*(for external organisations if not satisfied with the outcomes of the complaints procedure in full).*

- Any queries regarding any aspect of the complaints procedure, can be directed to the clerk to the governors.
- If the complainant feels that the Trust board has acted "unreasonably" in the handling of the complaint, they can complain to the Department for Education after the complaint's procedure has been exhausted. Please note that "unreasonable" is used in a legal sense and means acting in a way that no "reasonable" school or authority would act in the same circumstances - <https://www.gov.uk/complain-about-school>.
- Ofsted will also consider complaints about schools.

## Relevant Legislation and Guidance

- The Equality Act 2010 - <http://www.legislation.gov.uk/ukpga/2010/15/contents>.
- The Data Protection Act 1998 - <http://www.legislation.gov.uk/ukpga/1998/29/contents>.
- The Education (Independent School Standards) Regulations 2014 - <http://www.legislation.gov.uk/uksi/2014/3283/contents/made>
- Education Act 2002 - <http://www.legislation.gov.uk/ukpga/2002/32/contents>
- The Department for Education Best practice guidance for academies complaints procedures: <https://www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure/best-practice-guidance-for-academies-complaints-procedures>