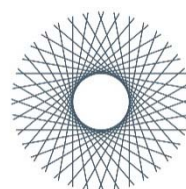


Complaints policy



HERTS FOR
LEARNING
**MULTI
ACADEMY
TRUST**

STATUS:	Statutory
DATE ISSUED:	September 2017
NEXT REVIEW DATE:	March 2022
AMENDED:	January 2019
APPROVED BY:	Board of Trustees
APPROVAL DATE:	February 2019

1 INTRODUCTION

- 1.1 This policy sets out the way in which the HfL Multi Academy Trust (HfL MAT) aims to address concerns and complaints. The HfL MAT recognises that there may be times when a parent/carer, academy staff member/governor or other stakeholder, wishes to raise a concern or complaint about a particular aspect of the work of one of the academies in the MAT or the central MAT team. The HfL MAT wants to know as soon as possible about such concerns or cause for dissatisfaction so that the issue can be dealt with appropriately and resolved as soon as possible. This complaints policy is informed by the ISS (Independent Academy Standards) Regulations 2014 and Best Practice Advice for School Complaints Procedures (Jan 2019) published by the DfE.
- 1.2 This policy may be used by:
- a parent whose child attends or who has recently left an HfL MAT school
 - members of the public or other organisations
 - a Governor, Trustee or Member about a member of staff at an academy or in the central MAT team
 - a member of staff against an individual staff member, Governor, Trustee or Member
 - stakeholders for Data Protection and Freedom of Information related matters
- 1.3 This policy is not intended to apply to concerns or complaints related to the following aspects of the MAT's work as these are covered under separate policies and procedures:
- Child protection matters and procedures.

- Appeals about admissions, complaints about fixed-term or permanent exclusions from school (further information about raising concerns about exclusion can be found at www.gov.uk/school-discipline-exclusions/exclusions).
- Complaints about services provided by other providers who may use the school premises or facilities.
- Staff grievances
- Staff conduct
- Disciplinary procedures
- Whistleblowing
- Collective worship (these should be addressed to the local authority or Standing Council on Religious Education)
- National Curriculum content

Complaints from parents of children with SEN about the school's support are within the scope of this complaints procedure with the following proviso. Where parents have specific complaints about the Education Health and Care (EHC) plan procedures, or about the content of their child's EHC plan (or Statement of Special Educational Needs), they should contact Hertfordshire County Council via their website. This is in accordance with the SEND Code of Practice.

2 OUR AIMS

- Complaints will be dealt with honestly, politely and in confidence
- Complaints will be looked into thoroughly and fairly and every effort will be made to resolve the issue
- The timescales for dealing with complaints are specified below
- We will provide updates on the progress of complaints at each stage
- We will apologise if we have made a mistake
- A full and clear written reply to formal complaints will be issued within 28 school working days (5½ weeks) of the complaint being received

3 HOW TO MAKE A COMPLAINT

- 3.1 To enable a proper investigation, concerns or complaints should be brought to the attention of the school or the Trust as soon as possible, and in general, no later than 3 months after the event that gave rise to the complaint.
- 3.2 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 Trust 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 any exceptional circumstances surrounding the complaint.**
- 3.3 All personal information or records relating to complaints will be treated in confidence and in accordance with the requirements of the Data Protection

Act 2018. Information will only be disclosed to those who need to know, so they can investigate the complaint.

- 3.4 Please note we do not respond to or investigate anonymous complaints except in extreme circumstances where the safety of a child or vulnerable adult may be compromised.
- 3.5 Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure
- 3.6 In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.
- 3.7 We will consider complaints made outside of term time to have been received on the first school day after the holiday period.
- 3.8 If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.
- 3.9 If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

4 RESOLVING COMPLAINTS

At each stage in the procedure, the school/Trust wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may decide to offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained about will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology

5 STAGE 1: INFORMAL STAGE

- 5.1 If a parent or carer has a concern about any aspect of the provision for their child, they should, in the first instance, discuss it with the relevant member of staff, for example the child's class teacher or the SENCo. The HfL MAT anticipates that most issues can be dealt with informally through discussion. All teachers work very hard to ensure that each child is happy and making good progress. They will always want to know if there is a problem and will seek to resolve the issue.
- 5.2 Concerns should be communicated directly to the class teacher. This may be by letter, by telephone, by email or in person with an appointment, which can be made via the school office. Concerns can also be raised by a third party acting on behalf of the complainant with their consent. Information will only be disclosed to a third party with the complainant's written consent.
- 5.3 Where a parent/carer feels that a situation has not been resolved through discussion with the member of staff, or where there is a generic concern or complaint about the school, an appointment to discuss this should be made with the headteacher. The headteacher takes all concerns very seriously. S/he will investigate each case thoroughly. If a complaint cannot be dealt with immediately, the headteacher will endeavour to provide you with a full response to within five school working days.
- 5.4 Many concerns can be resolved through discussion, clarification and/or the provision of information. The HfL MAT anticipates that most complaints will be resolved at this informal stage.
- 5.5 If your child has a Statement of Special Educational Needs (SEN) or an Education, Health and Care Plan (EHCP), you might find it helpful to talk to the school's Special Educational Needs Co-ordinator (SENCo) or your child's named Special Needs Officer at the Local Authority. The [SEND Information Advice and Support Service](#) (SENDIASS – formerly Parent Partnership) may also be able to help you.

6 STAGE 2: FORMAL INVESTIGATION BY HEADTEACHER

- 6.1 If the concern or complaint is not resolved at the informal stage, the complaint should be put in writing (preferably on the form in Appendix 1) and addressed to the headteacher. Should you require support with submitting your complaint, for example the use of a recording device to enable you to send in a verbal account of your complaint, please contact the headteacher. The headteacher will be responsible for ensuring that the complaint is investigated properly. There is a complaints form at the end of this policy for use if required.
- 6.2 If the complaint is about the headteacher or a governor, it should be addressed to the chair of the school's Academy Governing Board, who will determine who is best placed to deal with the complaint.

- 6.3 The headteacher or chair of the Academy Governing Board, will respond formally in writing to acknowledge the complaint within five school working days. S/he will explain how the complaint will be dealt with and may invite you to a meeting to clarify the concerns and to seek a resolution to them.
- 6.4 The headteacher may delegate the investigation to another member of the school's senior leadership team but all decisions about the complaint will be taken by the headteacher.
- 6.5 The headteacher or chair of the Academy Governing Board will aim to inform you of the outcome within 10 school working days. If the headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.
- 6.6 The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school/Trust will take to resolve the complaint.

7 STAGE 3: FORMAL INVESTIGATION BY ACADEMY GOVERNING BOARD

- 7.1 If you remain dissatisfied following Stage 2 and wish to take the complaint further, you will be asked to put the complaint in writing, addressed to the chair of the school's Academy Governing Board.
- 7.2 The written complaint should:
- state clearly the reason for the complaint
 - explain clearly what steps have been taken to resolve the complaint so far by the school and why this has not been satisfactory
 - outline the desired outcome from the complaint
- 7.3 The Chair of the Academy Governing Board will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days. The Chair will then arrange for your complaint to be considered and investigated under the arrangements approved by the Trust. This is likely to involve a panel of governors/independent individuals. The panel will consist of at least three governors/independent members who have no prior knowledge of the complaint. If the chair of the Academy Governing Board has been involved in discussions to help resolve the complaint at an earlier stage, s/he will arrange for another governor to take charge of the investigation. The Chair will ensure that at least one member of the panel is independent of the management and running of the academy (i.e. not a governor of the school).
- 7.4 The governor in charge of investigating the complaint may ask you to come to a meeting to discuss the concerns. Parents will be given reasonable notice of the panel hearing date, with any papers circulated 5 working days in advance. If the complainant rejects the offer of three proposed dates, without good reason, the governor will decide when to hold the meeting. It

will then proceed in the complainant's absence on the basis of written submissions from both parties.

- 7.5 As part of the formal stage, you must make sure that members of the governors' complaints panel are provided with any written information and/or evidence that you will use in a formal hearing at least 7 school days before the panel hearing date. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded. You may bring a friend, representative or interpreter to any meeting. The chair of the panel may invite any person who could help establish the facts of the complaint. The chair will tell you who this person is before the meeting.
- 7.6 If any member of staff is required by the Academy Governing Board or the governors' complaint panel to attend a meeting, they will have the opportunity to be accompanied or represented as they wish. A member of staff named in a complaint may also choose to attend a meeting, even if not required to do so by the Governors or they may be represented. If this happens, all parties will be informed in advance.
- 7.7 The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge *and* consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.
- 7.8 When the panel has fully investigated your complaint, the chair of the panel or the governor in charge of the investigation will write to you to tell you the findings and recommendations. The committee will consider the complaint and all the evidence presented. The committee can:
- uphold the complaint in whole or in part
 - dismiss the complaint in whole or in part
- 7.7 If the complaint is upheld in whole or in part, the committee will:
- decide on the appropriate action to be taken to resolve the complaint
 - where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.
- These findings will be reported to the Academy Governing Board. The chair of the Academy Governing Board will then write to you, and where relevant, the person who is the subject of the complaint, confirming the outcome of your complaint and any agreed actions. The findings will also be made available for inspection on the school premises by the Chief Executive Officer and the headteacher. The Academy Governing Board will aim to deal with your complaint and inform you of the outcome within 28 school working days (5½ weeks).

8 ALTERNATIVE CONTACTS FOR SPECIFIC CIRCUMSTANCES

8.1 There are additional levels of governance who assume responsibility under specific circumstances for Stage 2.

Specifically:

- Where the complaint relates to the Chief Executive Officer, or a Trustee or a Member, the Chair of the Trustees assumes responsibility.
- Where the complaint relates to a governor, the chair of the Academy Governing Board assumes responsibility.
- Where the complaint relates to the chair of the Academy Governing Board, the Chair of the Board of Trustees assumes responsibility.

8.2 For complaints to be addressed to the Chair of the Board of Trustees, please contact the Company Secretary:

Via email: Jackie.Goodhall@hflmat.co.uk

Via post: Jackie Goodhall, Company Secretary, Herts for Learning Multi Academy Trust, Robertson House SROB218, Six Hills Way, Stevenage, Hertfordshire, SG1 2FQ

9 RECORDING COMPLAINTS

9.1 A written record will be kept of all complaints made at stages 2 and 3, detailing:

- (i) whether they are resolved at stage 2, or proceed to a stage 3 panel hearing; and
- (ii) action taken by the school as a result of those complaints (regardless of whether they are upheld);

All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or (or someone acting on his or her behalf) requests access to them.

9.2 Records of stage 3 complaints will be retained on file by the school for a minimum of 6 years from the date of the resolution of the complaint. They will then be reviewed for further retention in case of contentious disputes before being disposed of securely.

10 FURTHER RECOURSE

10.1 The HfL MAT anticipates that most complaints will be resolved by the internal processes outlined in this policy. However, academies operate independently of the Local Authority and, as such, the Local Authority is unable to investigate complaints regarding academies even if the complaint relates to special educational needs provision. Therefore, anyone wishing to escalate a complaint about an academy, which has not been satisfactorily resolved through the HfL MAT's complaints procedure, should contact the Department for Education and request that the complaint be passed to the Education and Skills Funding Agency (ESFA).

10.2 The contact details for the Department for Education and for the ESFA are as follows:

Department for Education
Sanctuary Buildings, Great Smith Street
London, SW1P 3BT
Telephone: 0370 000 2288
Website: www.education.gov.uk
<https://www.education.gov.uk/form/school-complaints-form>

Academies Central Unit (Academy Complaints)
Education and Skills Funding Agency
Earlsdon Park
53-55 Butts Road
Coventry, CV1 3BH
Email: academyquestions@efa.education.gov.uk

The Complainant should be aware that the Education and Skills 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.

11 REVIEW

- 11.1 The Academy Governing Board (AGB) of each school will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure. The AGB will report the outcomes of their monitoring to the HfL MAT central team in order to inform any necessary changes or improvements to this policy.
- 11.2 Information on the number of complaints a school has received under the formal complaints procedure is available on request from the school office.
- 11.3 Information on the number of complaints the Trust has received under the formal complaints procedure is available on request from info@hflmat.co.uk

APPENDIX 1 COMPLAINT FORM

Your name:
Academy/School:
Pupil's name and class (if relevant):
Your relationship to the pupil (if relevant):
Address: Postcode: Day time telephone number: Evening telephone number: Email address:
If you are making complaint on behalf of someone else, please provide their details below:
Please give details of your complaint:

What action, if any, 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?

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

Signature:

Date:

Official Use Only

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

APPENDIX 2 SERIAL/UNREASONABLE COMPLAINTS

The Herts for Learning Multi Academy Trust (HfL MAT) is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with our schools/Trust. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The Trust defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school/Trust, such as, if the complainant:

- 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
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- 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 school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school/Trust that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Whenever possible, the headteacher, Chair of Governors or other member of the Trust dealing with the complaint, will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

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

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from the Trust's premises.