



Harton Academy

Complaints Policy

1 Complaints: Our Policy and Procedure

Most concerns or complaints can be dealt with on an informal basis in discussion with a member of staff. This procedure, whilst anticipating that, for many, an informal discussion will suffice, provides a structured approach to dealing with concerns or complaints which are not able to be resolved at the first attempt.

- A **concern** may be an easier matter to deal with, as it can be “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”. In such cases, an explanation and reassurances should be given.
- A **complaint** may result from a concern not dealt with, or for some other reason and is “an expression of dissatisfaction however made, about actions taken or a lack of action”

This procedure shall deal with complaints from parents or carers, regarding concerns they have for their child or children attending the Academy. It can also deal with concerns and complaints raised by other people, with the exception of where another procedure is in place to deal with it.

Further to this, the Academy has a number of separate procedures (for example, the admissions, exclusions, disciplinary or grievance procedures) where complaints may be more appropriately addressed. Where a specific procedure exists, they shall be used in place of this policy.

Any third party using the Academy’s premises or facilities shall have and use its own procedures, where a complaint is made.

2 General Principles :

- Concerns and complaints need to be considered objectively and resolved as quickly and efficiently as possible, so as to allow for a proper investigation. Matters raised more than three months after the event being complained of will not be considered, except in exceptional circumstances or where there are valid reasons for this delay.
- Concerns and complaints will be dealt with confidentially at all stages and it is expected that all concerned will respect this approach. It is requested that complaints raised are not discussed publically, including via social media.

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- Where a concern or complaint is in relation to the safeguarding of a child, or children, this will be dealt with through the Academy's Safeguarding Policy.
 - An anonymous complaint may be considered at the discretion of the Headteacher or representative. In exercising this discretion, the seriousness of the issues raised, the credibility of the concern and the likelihood of confirming the allegation with others, will be taken into account.
 - The Academy will ensure that complainants are treated fairly and will convene meetings with sufficient notice. Where reasonable attempts have been made to hold meetings without success, the Academy will consider convening a meeting in the complainant's absence.
 - Any unreasonable refusal to assist in the resolution of the complaint at any stage may result in the procedure being terminated forthwith.
 - Complainants are entitled to a fair meeting or review and can request an independent panel if they believe there may be bias in the proceedings. They should provide evidence of the bias, and it is for the Academy to consider this and act on this, if it feels it necessary to avoid bias or the appearance of bias.
 - People who have a conflict of interest should not take part in the complaints procedure at any stage. This might include a financial interest.
 - Where a complainant attempts to raise a complaint for a second or subsequent time through this procedure, the Chair of the Board may consider the matter vexatious. The Academy will advise the complainant the matter has been dealt with and is considered closed. Further correspondence will not be entered into.
 - Where a second complaint is received about a matter already handled through this procedure, the Academy will advise the complainant that the matter has been considered and dealt with. If new or additional information is raised in such a complaint, this should be investigated. It may be necessary to revisit the original decision.
 - Where an issue arises in dealing with a complaint, as one of the participants has a disability, a learning difficulty, is under 18 or vulnerable, or has difficulties using English, the Academy will consider this and make adjustments or provide support as required.
 - Any records kept will be in accordance with the Academy's Data Protection and Records Management policies
 - Complaints against staff will be dealt with by the Headteacher, or may be delegated to another member of the Senior Leadership Team. A complaint against the Headteacher shall be dealt with by the Chair of the Board of Directors in the first instance, and then a panel hearing if applicable.

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- Where the complaint is against an individual Governor or Director, it should be directed to the Leadership and Governance Manager, and it will be dealt with by the Chair of the Board of Directors. Complaints against the Chair, the entire governing body or Board of Directors should similarly be forwarded to the Leadership and Governance Manager who will escalate the complaint to the Trustees. In such circumstances, the Academy will consider circumstances which might be sensible to co-opt a suitably skilled and independent governor from another school or academy.
 - Complaint Campaigns. Where the Academy is the focus of a campaign and receives a large number of complaints, a separate procedure shall be used. This is provided at 3.5

3 Dealing with Concerns and complaints

Where a concern or complaint is raised, the following procedure should be followed. There may be occasions when it is necessary or reasonable to deviate from this procedure. Where this happens, the change and the reasons for this will be documented as part of the process.

Each stage includes a timescale for submitting complains or lodging appeals, and them being acknowledged. In addition to this, depending on the nature of the complaint and the possible complexity of an investigation, each time a stage in the procedure is used, there shall be established a timescale for that investigation to take place and be able to report back. It is preferable if this timescale is agreed between the parties.

If it becomes apparent that the investigation is likely to go beyond the agreed timescale, the Complainant shall be advised of this in writing at the earliest opportunity, and they shall be given a revised timescale, along with the reasons for this delay.

3.1 Informal Stage - With the member of staff concerned

Where possible, concerns or complaints should be dealt with informally, and should be done initially by an approach to **the relevant staff member**.

- Where the complainant does not feel able to raise the matter directly with the relevant member of staff, it should be raised with a member of the **Senior Leadership Team** who will refer to matter to the appropriate person for consideration. If an approach is made to a member of staff who feels unable, or that it is inappropriate for them to deal with it, they should advise a member of the Senior Leadership Team who will similarly refer the complaint to an appropriate person.
- If the concern or complaint is raised with a **member of the Board of Directors or the Local Governing Body**, it will be forwarded to the Headteacher who will refer the matter to the appropriate person. The Board Member or Governor should have no further involvement at this stage, in case they are needed to sit on a panel at a later stage in the procedure.

If the concern or complaint is dealt with on an informal basis, there is no need for a written record to be kept, however it can be sensible for the member of staff to keep a note of the issue and date it was raised.

If the complaint needs further investigation (for example, to be able to answer the concern accurately), with the Complainant requiring a response, it should be acknowledged within 5 working days. If it is necessary a meeting will be arranged within 5 working days of the acknowledgement being sent.

3.2 Stage 1 – Investigation by the Headteacher or representative.

A formal complaint should be made on the form provided at the end of this procedure. The complainant should outline the nature of the complaint and the steps taken to resolve it to that point. Subject to the timescales relating to the submission of a complaint, the following procedure shall apply:

The complaint should be acknowledged within 5 working days. This acknowledgement will outline the process to be followed and a possible timescale. If it is necessary a meeting will be arranged within 5 working days of the acknowledgement being sent.

At this first stage, the Headteacher or representative will consider the relevant evidence. This may include, but is not limited to :

- Obtaining statements from the complainant and those involved with the complaint
- Meeting with the complainant and those involved with the complaint
- Reviewing correspondence and other documents relating to the complaint. In reviewing the information provided, and undertaking an investigation, it may be determined that the most appropriate course of action may be to provide a written response.

If it is considered that a meeting is the most appropriate course of action, the complainant will be asked to outline their complaint. Through discussion it may be possible to come to a conclusion at that time. Where this is not possible, the meeting should seek to agree an appropriate course of action (for example, if further investigation is necessary) and timescales for completion, where this is possible. Where timescales may not be able to be determined at that time, updates on progress should be provided.

The Headteacher or representative can :

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Decide on the appropriate course of action to be taken to resolve the complaint
- Recommend changes to the Academy's systems or procedures to ensure that problems of a similar nature do not recur

Participants at the meeting may agree that a resolution can be communicated by means of a further meeting, or in writing. If it is by the former method, the decision will be communicated in writing after a further meeting, within 5 working days.

The Complainant will be notified of their right to appeal against the decision made at this stage, the timescale for submitting an appeal, and the process for doing this.

A record of correspondence and investigations undertaken, shall be kept, in line with the Academy's Records Management Policy

3.3 Stage 2 – Complaint heard by the Complaints Appeal Panel

If the complainant wishes to have the decision taken at stage 1 reviewed or they feel it has not been satisfactorily dealt with, an appeal should be made by writing to the Leadership and Governance Manager, who will arrange for a Complaints Appeal Panel to hear the complaint.

An appeal should be made within 20 working days of receiving the written confirmation of the decision at stage 2. The Leadership and Governance Manager will acknowledge the appeal within 5 working days.

A letter of appeal should include a brief summary of the complaint, why the complainant is dissatisfied with the outcome of stage 1 and the outcome they are seeking.

Where the complaint is about a Board Member or a Member of the Local Governing Body, the complainant may request that the review meeting is held by an independent panel. This is at the discretion of the Board of Directors who will notify the Leadership and Governance Manager of their decision. When this is agreed to, timescales may be affected while panel members are identified and a meeting convened.

The Complaints Appeal panel will meet within 20 working days, and will be made of two members of the Board of Directors and one independent member. The panel will have no prior knowledge of the complaint.

The Panel will invite the following to attend the appeal meeting :

- The complainant
- The Headteacher, or representative or the Chair of the Board of Directors, if appropriate, who investigated the complaint and made the decision at stage 1
- Relevant persons involved in the complaint
- Other people who, in the view of the panel, can provide relevant advice and information relating to the subject of the complaint and the process at stage 2

Complainants and staff members involved may be accompanied to the meeting by a family member, friend or representative. Legal representatives are not allowed to attend meetings.

The Panel can :

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Decide on the appropriate course of action to be taken to resolve the complaint
- Recommend changes to the Academy's systems or procedures to ensure that problems of a similar nature do not recur

Participants at the meeting may agree that a resolution can be communicated by means of a further meeting, or in writing. If it is by the former method, the decision will be communicated in writing after the meeting, within 5 working days.

The second stage is the final stage at which the Academy will consider the complaint.

3.4 Procedural matters

At any stage in the process, recording devices shall not be used to record proceedings except where all parties are in agreement or where it is considered a reasonable adjustment to assist with a participant who has an impairment. An explicit consent should be obtained. Covert recording shall not be permitted as any part of the procedure, except in exceptional circumstances.

If a complaint of bias is made, and evidence is provided to support this, the Academy will seek to reconvene the appropriate stage with a different representative at the appropriate level of seniority who has had no prior exposure to the complaints.

3.5 Complaint Campaigns

If the Academy receives a large volume of complaints, which are all based on the same subject and/or from complainants unconnected with the Academy, the Academy will send a template response to all complainants and publish a single response on the website.

4 Further action

Information about complaints can be found on gov.uk:

<https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy>

If the complainant remains unsatisfied with the outcome of the procedure, they have the right of appeal to :

Department for Education
School complaints compliance unit
Piccadilly Gate
Store Street
Manchester
M1 2WD

https://form.education.gov.uk/service/Contact_the_Department_for_Education

5 Monitoring and Reviewing Complaints

The Complaints Policy shall be reviewed every two years, or when new guidance is issued by the Department for Education. It shall be review and agreed by the Board of Directors / Individual Governor / Headteacher. This shall be to consider if there are any wider issues for action as a result of complaints raised, and not for the purposes of reconsidering the complaint.

Complaint Form

Your name

Student name (if relevant)

Your relationship to student (if relevant)

Date

Please give details of your complaint

What action, if any, have you already taken to try to resolve your complaint ?

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

Please continue on the back of this sheet if necessary.

Signed :

date :