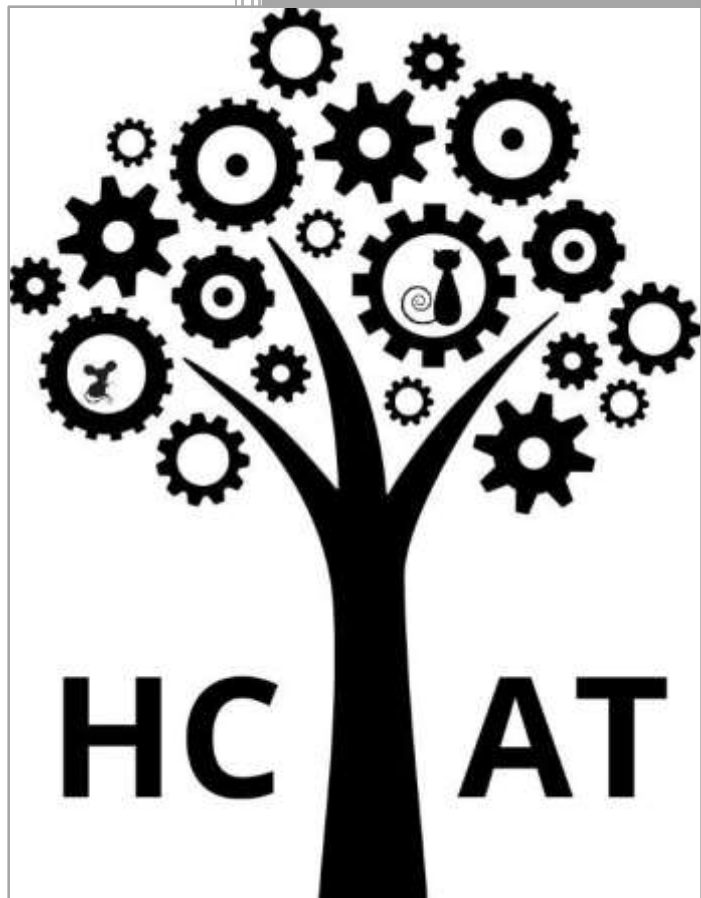


# Hoyland Common Academy Trust Complaints Policy 2017



## HOYLAND COMMON ACADEMY TRUST COMPLAINTS POLICY 2017

**Nov 2017: Within the last academic year there have been 0 formal complaints received by the school.**

### **Rationale**

Hoyland Common Academy Trust is committed to maintaining positive relationships with parents and carers and it is important to us that our schools establish and maintain strong home/school partnerships to ensure the best education for the pupils.

However, we recognise that sometimes parents/carers may need to raise issues with us and so we want to ensure that we try to resolve any issues as quickly and sympathetically as possible. We also want to reassure parents and carers that we do take any concerns or complaints very seriously.

We would like to let you know that this procedure applies to all schools within Hoyland Common Academy Trust and is compliant with The Education (Independent School Standards) Regulations 2014.

### **Complaints' Procedure**

Our Complaints' Procedure has four stages which are outlined below.

These four stages are:

**Stage One:** Informal concerns

**Stage Two:** Formal Complaint at school level

**Stage Three:** Formal Complaint to the Local Governing Body

**Stage Four:** Formal Appeal to the Complaints' Panel of Hoyland Common Academy Trust

Please note that we have separate procedures for child protection concerns, an issue regarding admissions or if a Headteacher /Head of School excludes a pupil.

#### **Stage One: Informal Concerns**

As a parent/carer our hope is that a discussion with the appropriate member of staff would normally resolve your concern (including actions that can be taken to resolve any concerns, possibly including an apology) or you will be provided with an explanation on the situation.

If you feel that your concern has not been resolved at this informal stage then you have the option of making a formal complaint under Stage 2 of this Procedure.

Please note that the Chair of the Trustees does have the discretion not to allow a complaint to be dealt with under Stage 2 of the Procedure where there has not been any informal discussion at local school level.

The Chair also has the discretion to disallow a complaint to proceed to Stage 2 where a parent/carer has not acted in a way that is reasonable and measured. Such a decision would not be taken lightly.

#### **Stage Two: Formal Complaint - Local Level (Investigation by a member of the Senior Leadership Team)**

If you wish to make a formal complaint under Stage Two of the Complaints' Procedure then please can you:

- put the complaint in writing (you may wish to use the optional form at Appendix 1);
- address it to the Headteacher / Head of School;
- briefly state the facts.

An investigation will be carried out by a member of the senior leadership team which may include a meeting with you (in which case a meeting would normally be held within 15 school days from the receipt of your complaint). This person will speak to those who were involved in the situation. Following the investigation, you will receive the findings of the senior leadership team member who has investigated your complaint, which will include any steps that have been taken or may need to be taken to seek to resolve your complaint. Normally you will receive this within 15 school days of any meeting held with you; however if a meeting has not been held with you then you can expect that normally you will receive the findings within 15 days from the receipt of your written complaint.

Please note that any complaint about the Headteacher / Head of School must be raised in the first instance with the Chief Executive Officer / Executive Headteacher who will, if the issue cannot be resolved under Stage One, work with a member of the Local Governing Body to investigate your complaint under Stage Three of the Complaints' Procedure as explained below.

If the complaint is against the Chief Executive Officer / Executive Headteacher then it will be considered by the Chair of Trustees at Stage Three of the Complaints' Procedure.

If you feel that your complaint has not been resolved at Stage Two then you can request for this to be dealt with under Stage Three of the Complaints' Procedure.

### **Stage Three: Formal Resolution – Local Governing Body**

**Where you feel that your complaint has not been resolved under Stage Two then please:**

- put the complaint in writing (you may wish to use the optional form at Appendix 1);
- address it to the Chair of the Local Governing Body;
- briefly set out the facts;
- state why you believe that the local school has not resolved your complaint.

The Chair may appoint a member of the Local Governing Body of the school to investigate the complaint.

\* If the complaint has been made against the Chief Executive Officer / Executive Headteacher then the complaint should be addressed to the Chair of the Trust who will either investigate your complaint or will nominate another Director of the Trust for this role.

The investigation may include the offer of a meeting with you (in which case a meeting would normally be held within 15 school days from the receipt of your complaint). The individual who is investigating your complaint will speak to those who were involved in the situation.

You will receive the findings of the investigation in writing (from the individual who has investigated your complaint) which will include any steps that have been taken or may need to be taken to seek to resolve your complaint or an explanation of the situation.

Normally you will receive this within 15 school days of any meeting held with you; however if a meeting has not been held with you then you can expect that normally you will receive the findings within 15 days from the receipt of your written complaint.

If you consider that your complaint has not been resolved then you may request that your complaint is dealt with at Stage Four of the Complaints' Procedure.

#### **Stage Four: Complaints' Panel Hearing**

In order to make an appeal the parent must have grounds to do so, just disagreeing with the outcome is not sufficient. Parents need to be advised that the grounds for appeal are –

- not all the complaint was investigated properly or not all the issues were taken into account thus producing a flawed decision; or
- the person dealing with the complaint did not follow the schools published procedure; or
- the decision on the complainant does not reflect existing school policies or procedures.

#### **Where you consider that your complaint has not been resolved under Stage Three, then please:**

- put your request in writing (you may wish to use the optional form at Appendix 1);
- address it to the Clerk to the Trust Board within 10 school days of you receiving the findings of the investigation at Stage Three in writing;
- state why you believe that your complaint has not been resolved;
- state the actions that you think should be taken to resolve your complaint.

The Complaints' Panel of the Multi Academy Trust will consider all complaints that reach Stage Four.

The Complaints' Panel will consist of at least three individuals and will include one person who is independent of the management and running of the Multi Academy Trust (or any of the schools within Hoyland Common Academy Trust).

i. The Complaints' Panel may include one or more individuals from the following categories:

- the local governing body of the academy where the complaint was initially made;
- a local governing body from another academy within the Multi Academy Trust;
- the CEO of the Multi Academy Trust;
- the Board of Trustees of the Multi Academy Trust.

ii. None of the members of the Complaints' Panel will have been directly involved in the matters detailed in the complaint.

iii. The Clerk will invite the local school or the multi academy trust as appropriate to put in writing its response to your complaint within 15 school days of receiving the request. The Clerk will arrange a meeting of the Complaints' Panel.

iv. That meeting will be held as quickly as possible with the Clerk seeking to find a date that is reasonably convenient for you, the local school ( or the Trust Board Director where the complaint was against the Chief Executive Officer / Headteacher) and the members of the Appeals' Panel.

v. Whenever possible, the meeting will be held within 15 school days at the end of the local school's response time. At any meeting, you will be entitled to be accompanied by a friend but legal representation will not be allowed.

vi. The meeting is not a court case, it will be held in private, and will be as informal as possible. The Complaints' Panel will ask you why you consider that your complaint has not been resolved and you will then have the opportunity to explain your reasons for this. You would not be able to introduce new reasons at this stage which have not already been put in writing at an earlier stage of the Complaints' Procedure that is being currently pursued.

vii. The local school will then be asked to put forward their views on the situation.

viii. The meeting will be structured so that each side, as well as the Panel members, have the opportunity to ask questions.

ix. You will have the opportunity to make final comments to the Panel.

x. The Panel may make findings and in some cases may make recommendations. The Clerk will normally provide all relevant individuals with a copy of those findings and recommendations within 10 school days. The response from the Clerk will be: -

- sent by electronic mail to an email address confirmed as appropriate by you, or sent by post and, where relevant, this will be sent to the individual(s) about whom the complaint was made.
- made available to the Headteacher / Head of School and the Chief Executive Officer / Executive Headteacher

The decision of the Appeals Panel is final. Where you who have exhausted the stages of the Complaint's Procedure but are still dissatisfied then if you feel that it is appropriate to do so then you may wish to complain to the Education Funding Agency.

### **Raising a complaint with the Education Funding Agency**

The Education Funding Agency (EFA) will only consider a complaint after an Academy Trust's own complaints procedure has been exhausted. The EFA cannot review or overturn decisions about complaints made by Academy schools, they can only investigate whether the trust has considered the complaint appropriately. If the EFA finds that the trust did not consider the complaint appropriately it can request that the trust reconsider the complaint.

The EFA will investigate complaints about:

- undue delay or non-compliance with the trust's own complaints procedure
- allegations that the trust has failed to comply with a duty imposed on it under its Funding Agreement with the Secretary of State.
- allegations that the trust has failed to comply with any other legal obligation placed on it, except in cases where there is another body or organisation that is, in the view of the EFA, better placed to consider and, if necessary, take further action in connection with the issue including but not limited to, a Court of Law or other Tribunal of competent jurisdiction, local authorities or other regulatory bodies.

The EFA will not investigate complaints about:

- examination results or curriculum content where a more appropriate form of redress would be the examining body or Ofqual
- consideration of special education needs for an individual student

- matters that are subject of legal action

The EFA will not usually investigate complaints more than 12 months after a school's decision unless the complainant has good reason for the delay in making the complaint. The EFA reserves the right not to investigate complaints considered to be vexatious or malicious or where they are satisfied with the action that the trust has already taken or proposes to take to resolve the complaint.

Complaints to the EFA should be sent to:

- email [academyquestions@efa.education.gov.uk](mailto:academyquestions@efa.education.gov.uk)

- by post to Academies Central Unit (Academy Complaints), EFA, Earlsdon Park, 53-55 Butts Road, Coventry, CV1 3BH

### **Raising a complaint with Ofsted**

Ofsted, the Office for Standards in Education, Children's Services and Skills, also has a role in investigating complaints about the work of a school as a whole e.g. the quality of education, pupils' achievement, school management and leadership, pupils well-being etc. Complaints concerning individual students cannot be considered. It can consider complaints about a school from parents / carers of students registered at the school.

### **Attendance at a Complaints' Panel Hearing**

The Complaints' Panel can only be arranged if you and/or your representative attend (please note that legal representation is not allowed). We would like to make you aware that if you do not confirm attendance or you do not attend on the day specified without compelling reasons, then the Complaints' Panel will not be able to proceed and you will then lose your right to have your complaint heard.

We need to let you know that if you then wish to re-open the complaint then it will be considered as a serial/persistent complaint as detailed below.

### **Serial or persistent complainants**

Whilst we wish to work positively with parents and carers we do need to work within our Complaints' procedure. This means that if you seek subsequently to reopen a complaint or a closely related issue that has already been dealt with under this complaints procedure, then the Chair of the Multi Academy Trust may write to you to let you know that the procedure has been exhausted, the matter closed and that continued correspondence is considered to be vexatious and the Multi Academy Trust would not respond to any further correspondence on your complaint or a closely related issue.

### **Record Keeping**

A written record will be kept of all complaints that were resolved at the relevant formal stage of the Complaints' Procedure. Records will contain details of whether the complaint was resolved at stage two, stage three or proceeded to a stage four - panel hearing. The action taken by the local school or the Multi Academy Trust as a result of a complaint (regardless of whether or not they have been upheld) will also be recorded.

### **Confidentiality**

Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them.

## **Appendix 1**

### **Hoyland Common Academy Trust Formal Complaint Form**

Please complete and return to the Head Teacher/Head of School/Chair of Local Governing Body /Chair of HCAT/CEO HCAT (delete as appropriate) who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Student name:</b>
<b>Your relationship to the student:</b>
<b>Address:</b>
<b>Day time telephone number:</b>
<b>Evening telephone number :</b>
<b>Mobile telephone number:</b>
<b>E mail address:</b>
<b>Please give the details of your complaint:</b>
<b>What action, if any, have you already taken to try to resolve your complaint. Who did you speak to and what was the response?</b>
<b>What actions do you feel might resolve the problem at this stage?</b>

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

**Signature:**

**Date:**