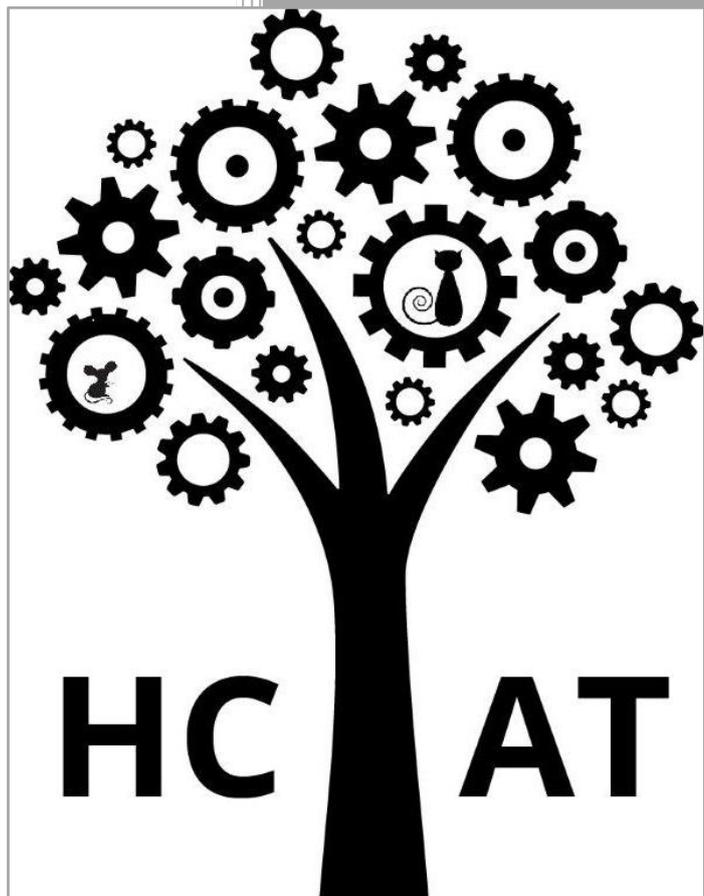


HCAT

Complaints Policy 2019



Updated Jan 2019

HCAT COMPLAINTS POLICY 2019

Rationale

HCAT 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 HCAT and is compliant with The Education (Independent School Standards) Regulations 2014.

Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to <School Name> about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

The difference between a concern and a complaint

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

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. HCAT takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher / Head of School will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher / Head of School will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, HCAT will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with either the class teacher or headteacher / Head of School. If the issue remains unresolved, the next step is to make a formal complaint.

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.

Complaints against school staff (except the headteacher) should be made in the first instance, to <Name> (the headteacher / Head of School) via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the headteacher should be addressed to <Name> (the Chair of Governors), via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to Victoria Harrison (the Clerk to the Governing Body) via the school office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.

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.

Anonymous complaints

We will not normally investigate anonymous complaints. However, the headteacher, Head of School or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

Time scales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by <School Name>, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none">• Admissions to schools• Statutory assessments of Special Educational Needs	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with <insert local authority details>

<ul style="list-style-type: none"> • School re-organisation proposals 	
<ul style="list-style-type: none"> • Matters likely to require a Child Protection Investigation 	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). <insert LADO/MASH details>.</p>
<ul style="list-style-type: none"> • Exclusion of children from school* 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure. <link to school behaviour policy>.</i></p>
<ul style="list-style-type: none"> • Whistleblowing 	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> • Staff grievances 	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> • Staff conduct 	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use school premises or facilities 	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>
<ul style="list-style-type: none"> • National Curriculum - content 	<p>Please contact the Department for Education at: www.education.gov.uk/contactus</p>

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.

If a complainant commences legal action against <School Name> in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

Resolving complaints

At each stage in the procedure, <School Name> wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may 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 of 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.

Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

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 / Trust Board

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.

The headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

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 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 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:

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage – a meeting with members of the Trust Board / Governing body's complaints committee, which will be formed of the first three, impartial, governors or Trustees available. This is the final stage of the complaints procedure.

A request to escalate to Stage 3 must be made to the Clerk, via the school office, within 10 days school days of receipt of the Stage 2 response.

The Clerk 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.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 school days of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk 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.

The complaints committee will consist of at least three governors or Trustees with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three governors from <School Name> available, the Clerk will source any additional, independent governors through another local school or through the Trust, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 3.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend.

At least 15 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least 10 school days before the meeting.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. 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.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 2 of the procedure.

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.

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.

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.

The Chair of the Committee will provide the complainant and <School Name> with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by <...School>.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 2 will be heard by a committee of independent, co-opted governors or Trustees.

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 <School Name> will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

Next Steps

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 3.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by <School Name>. They will consider whether <School Name> has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education

Piccadilly Gate

Store Street

Manchester

M1 2WD.

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
- 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 or stage three. 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

HCAT 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.

Your name:
Student name:
Your relationship to the student:
Address:
Day time telephone number:
Evening telephone number :
Mobile telephone number:
E mail address:
Please give the 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 supporting paperwork? If so please give details.

Signature:

Date: