

Heartwood Church of England Academy Trust

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Church of England Academy Trust



Complaints Policy

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We welcome children of all faiths, backgrounds and beliefs into our inclusive community. We seek inspiration from the life and teaching of Jesus Christ to help our children achieve their full potential. We uphold the distinctive Christian ethos and values of the Heartwood academy when making all decisions and implementing policy and practice. We aim to provide a caring and stimulating environment which promotes a love of learning whilst seeking to inspire every pupil to become a well-motivated, independent and resourceful learner.

Rationale

Academies are required to have a complaints procedure that meets the standards set out in the [Education \(Independent School Standards \(England\) Regulations 2014 Schedule 1, Part 7](#)

The regulations set out how a complaints procedure should be drawn up and used effectively to handle complaints from parents.

Our practice is also informed by the DfE [Best Practice Advice for School Complaints Procedures 2016](#) non statutory guidance.

Introduction

The Head Teachers, staff and governors of the Heartwood Academy Trust schools want to work with you to establish good parent / school relationships. They will inform you about the school's policies and your child's progress. However, there may be times when you, as a parent, carer or guardian, will have comments, suggestions or complaints to make.

Concerns

We recognise that occasionally parents may be concerned about an aspect of their child's education or welfare at school. This could include issues concerning the school's approach to aspects of the curriculum, homework, behavioural problems or any other issue. Whatever the issue, the important thing is to talk to someone at the school as soon as you can. It may be all that you need to do to solve a problem. Problems are more easily resolved if they are raised as soon as possible after something has happened.

The school welcomes enquiries from parents about any matter. Teachers and staff will explain the school practices and policies, and how they affect children. The usual protocol is to speak to the child's class teacher in the first instance - please contact the school office to arrange an appointment to discuss your concern. At all times staff will help to resolve a problem. If occasionally parents feel they must state their concern formally, the school has defined procedures for handling complaints. The formal procedure only covers incidents which have happened in the previous three months.

Stage 1: Informal concern

Most complaints can be resolved informally and quickly by discussion with a member of staff. If you have a query, first of all discuss it with your child's teacher. They will either respond immediately or as soon as they have the necessary information. You will be given a date by which they will get back to you.

Stage 2: Formal complaint to the Head Teacher

If you are still dissatisfied the matter can be referred to the Head Teacher. They will either respond immediately or as soon as they have the necessary information. You will be given a date by which they will get back to you.

NB If you contact a member of the school's governing body before either of the above stages they will ask you to contact the appropriate member of staff or the Head Teacher first. This is to help you start at the right place and leave the governors free to possibly be involved at a later stage.

Stage 3: Formal complaint to the Chair of Governors

Most complaints will have been resolved by this stage. However if you are still unhappy the next step is to make a formal complaint to the governing body, on an official complaints form which you can obtain from the school. You should send your complaint to the Chair of Governors. The Chair of Governors, or a nominated governor, will review the complaint to be certain that the matter has been dealt with at Stage 1 and 2. Your complaint will be acknowledged and you will be asked to suggest dates and times for a hearing. At the hearing you will be given an opportunity to speak to a panel about your complaint. The panel will be drawn from the nominated members and will consist of three people who were not directly involved in the matter being complained about, and one of whom must be independent of the management and running of the school. The panel will also speak to the Head Teacher before discussing what they have heard and reaching a decision. The Chair of the panel will write to you within three school days of the hearing to let you know the outcome.

Further rights of appeal

If you have completed the academy procedure and are not satisfied about the handling of the complaint, you may have the right to refer your complaint to the Education Funding Agency (EFA).

Complaints to the EFA must be submitted online through the [schools complaints](#) form or by post to Ministerial and Public Communications Division, Department for Education, Piccadilly Gate, Store Street, Manchester, M1 2WD

The EFA will usually only consider complaints about academies that fall into any of the following three areas:

1. Where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint.
2. Where the academy is in breach of its funding agreement with the Secretary of State.
3. Where an academy has failed to comply with any other legal obligation.

The EFA will not overturn an academy's decision about a complaint. However, if they find an academy did not deal with a complaint properly they will request the complaint is looked at again.

Vexatious Complaints

There may be occasions when, despite all the stages of the procedure having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of governors can inform them in writing that the procedure has been exhausted and that the matter is now closed as far as the academy is concerned but refer them to the Education Funding Agency. The complainant should also be advised that no further correspondence will be entered into on the subject of the complaint.

If the complainant writes again on the same issue, then the correspondence may be recognised as vexatious and there is no obligation on the part of the academy to respond.

It is important to note however that, where a complainant raises an entirely new, separate complaint, it must be responded to in accordance with the complaints procedure. It is not the complainant who is vexatious; it is the correspondence. Schools should not fail to respond to a complaint on the grounds that an individual has a track record of such behaviour.

The chair of governors has the right to regard a complaint as vexatious if there is an unreasonable delay or if a complainant brings forward numerous trivial matters which after careful consideration by the chair, are considered to be vexatious. It is recognised that determining what a 'trivial' matter is can be subjective and careful judgements must be used in applying this criteria. Objectively considering the complaint ensures you are better able to respond in a measured and professional way.

Where an individual's behaviour is causing a significant level of disruption the academy may wish to implement a tailored communications strategy such as restricting the method of communication or putting in place a single point of contact. In these scenarios, the academy may wish to adopt an unreasonable/persistent complaints policy.

Requests for information

Complaints are sometimes accompanied by requests for information pertaining to the circumstances underpinning the complaint. The term 'vexatious' is more properly deployed in this context. The academy will consult the guidance issued by the Information Commissioner's Office in the first instance and then seek advice from the school's provider of legal services

APPENDIX 1

Complaint Form

When you have filled in this form take it or send it to the chair of the governing body at your child's school marking the envelope PRIVATE AND CONFIDENTIAL

Please use black ink if possible. You can continue on a separate sheet of paper, or send an accompanying letter if you wish.

1. Child's name

2. Address:

3. Telephone number:

Work:-----

Home:-----

4. Name of school:

5. Brief details of the problem:

6. To what date or period of time does your complaint relate?

7. To whom have you already complained informally and when?

8. Please give details of any more information you have to back up your complaint, such as letters and reports. If you send originals these will be copied and returned to you.

9. Do you have a solution that you wish to suggest?

Signature:

Date:

APPENDIX 2

Procedural arrangements for schools when dealing with complaints

Stage One: Complaint heard by staff member

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, if staff are made aware of the procedures, they know what to do when they receive a complaint.

It would assist the procedure if the school respected the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complaints co-ordinator can refer the complainant to another staff member. Where the complaint concerns the complaints co-ordinator this should be referred to the Head Teacher. Where the complaint concerns the Head Teacher, the complaints co-ordinator can refer the complainant to the chair of governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaints co-ordinator may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. It would be useful if governors did not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

Stage Two: Complaint heard by Head Teacher

The complainant may be dissatisfied with the way the complaint was handled at stage one as well as pursuing their initial complaint. The Head Teacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

Stage Three: Complaint Heard by Governing Bodies Complaints Appeal Panel

The complainant needs to write to the Chair of Governors giving details of the complaint. The Chair, or a nominated governor, will convene a GB complaints panel.

The governors' appeal hearing is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

Individual complaints would not be heard by the whole GB at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The governing body may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These can include:

- drawing up its procedures;
- hearing individual appeals;
- making recommendations on policy as a result of complaints.

The procedure adopted by the panel for hearing appeals would normally be part of the school's complaints procedure. The panel will be drawn from the nominated members and will consist of at least three people who were not directly involved in the matter being complained about, one of whom must be independent of the management and running of the school. The panel may choose their own chair.

The Remit of the Complaints Appeal Panel

The panel can:

- decide on the appropriate action to be taken to resolve the complaint;
- uphold the complaint in whole or in part;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur;
- dismiss the complaint in whole or in part.

There are several points which any governor sitting on a complaints panel needs to remember:

- a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
- b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- c. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.