



HAILEY HALL SCHOOL

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COMPLAINTS POLICY AND PROCEDURE

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Responsible Person: Strategy Manager

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1. Aims

Our school aims to meet its statutory obligations when responding to complaints.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect and courtesy
- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes.

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the school website.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

2. Legislation and Guidance

This document meets the requirements set out in part 7 of the schedule to the Education (Independent School Standards) Regulations 2014, which states that we must have and make available a written procedure to deal with complaints from parents / carers of pupils at the school.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on creating a complaints procedure that complies with the above regulations, and refers to good practice guidance on setting up complaints procedures from the Department for Education (DfE).

This policy complies with our funding agreement and articles of association.

3. Definitions and scope

3.1 Definitions

The DfE guidance explains the difference between a concern and a complaint:

- A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”
- A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.

3.2 Scope

The school intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This general school complaints policy is for parents / carers and any other stakeholders who wish to make a complaint, including complaints about welfare arrangements. It **does not**, however, cover every type of complaint, as below.

- Admission to the Academy (see ‘Indicators for Admissions’ Policy)
- Exclusion of pupils from the Academy (see the school’s ‘Behaviour for Learning’ Policy)
- Statutory assessment of Special Educational Needs which should be referred to the Local Authority (see SEND Policy)
- Safeguarding concerns about staff that need to be referred to the LADO – (Local Authority Designated Officer). Please refer to the Designated Safeguarding Lead
- Grievances / complaints raised by staff (see Grievance Policy for staff)
- Staff Discipline (see Staff Disciplinary Policy)
- Complaints about pupil behaviour outside of School hours, e.g. weekends and holiday periods – such issues are not the School’s responsibility
- Complaints regarding third parties using or hiring School premises – third party providers should have their own complaints process and should be contacted directly
- A member of staff complaining about an action or a decision of the School’s Full Trustee Body - the Board of Trustees will have already given the matter full consideration
- Whistleblowing – refer to the School’s Internal Whistleblowing Procedure for all employees, including temporary staff and contractors.

Arrangements for handling complaints from parents / carers of children with special educational needs (SEN) about the school’s support are within the scope of this policy. Such complaints should first be made to the class teacher / special educational needs co-ordinator (SENDCo) / Headteacher); they will then be referred to this complaints policy. Our

SEND policy and information report includes information about the rights of parents / carers of pupils with disabilities who believe that our school has discriminated against their child.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

If other bodies are looking into aspects of a complaint, for example the Police, the Local Authority (LA) Safeguarding Teams or a Tribunal, this may impact on the School's ability to adhere to the timescales set out within this policy and procedure or may result in the process being suspended until the other relevant body has concluded its enquiries.

If a complainant commences legal action against Hailey Hall School in relation to their complaint, we will consider whether to suspend the complaints process until the legal proceedings have concluded. The School will only consider investigating the complaint after the conclusion of legal proceedings if those proceedings did not address the issues at the heart of the complaint

4. Roles and responsibilities

4.1 The complainant

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Co-operate with the school throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed
- Treat all those involved with respect
- Not publish details about the complaint on social media.

4.2 The investigator

An individual will be appointed to look into the complaint, and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the headteacher or complaints committee which includes the facts and potential solutions.

4.3 Clerk to the Board of Trustees

The Clerk will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

4.4 Chair of Complaints' Committee

The committee chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case.

5. Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right.

5.1 Time scales

The complainant must raise the complaint within 10 days of the informal discussion, and within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period.

If at any point we cannot meet the timescales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay.

6. Stages of complaint (not complaints against the headteacher or trustees)

6.1 Informal stage

The school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

If the complainant has a concern about anything we do, or if the complainant wishes to make a complaint, the complainant can do this by telephone, in person or in writing (by letter or email). We hope that most complaints can be settled quickly and informally, either by putting matters right or by giving the complainant an explanation. This should normally be resolved within 5 school days. However, it is sometimes necessary to undertake an initial investigation into the facts at this stage, and if more time is required to do this the

complainant will be advised.

If there is something the complainant is not happy about, or the complainant doesn't understand why we are doing something in a particular way, they will be advised to come in and discuss it with the form tutor or another appropriate member of staff, such as the Special Educational Needs Co-ordinator (SENDCo) if it is about Special Needs.

We know that it can feel uncomfortable to question or challenge something, but if the complainant doesn't tell us what is worrying them we cannot explain what we are doing or try to put it right. If the member of staff the complainant speaks to in the first instance is unable to attempt to resolve the matter, the complainant should make an appointment with the Headteacher.

The school will acknowledge informal complaints within 2 school days, and investigate and provide a response usually within 10 school days.

The informal stage will usually involve a meeting / discussion between the complainant and the subject of the complaint and / or the Headteacher.

If the complaint is not resolved informally, it can be escalated to a formal complaint.

6.2 Formal stage

If the complainant is still unhappy with the outcome of the complaint they should complete the complaints form attached at appendix 1, or if the complainant would prefer they may write or email a letter. This should be sent to the Headteacher who will investigate the complaint. This should be sent within 10 school days of the informal discussion / meeting.

Formal complaints can also be raised over the phone, in person, or by a third party acting on behalf of the complainant. In the case of a third party, the complaint will be verified with the complainant.

If the complainant, or representative, chooses not to complete the form attached, they should, within the complaint communication:

- Make it clear why the complainant is complaining.
- Confirm who the complainant has spoken to already and the outcome
- Outline the nature of the relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents.
- Explain what the complainant feels would resolve the complaint.

If the complainant needs assistance raising a formal complaint, the complainant can contact the school office on 01992 465208

The Headteacher (or designated member of the senior leadership team) may arrange to meet with the complainant to discuss the complaint and / or may arrange for an investigation to be undertaken.

The Headteacher (or other person appointed by the Headteacher for this purpose) will aim to inform the complainant of the outcome within 10 school days of receiving the complaint and will notify the complainant in writing if longer time is needed to investigate.

If the complainant's first contact is with individual Trustees, the Trustee will advise the complainant to take up the complainant's concerns with the appropriate member of staff or Headteacher. A Trustee should not be made aware of a potential complaint as they may be required to sit on a Panel in the event of a formal hearing (Stage 2) and should be impartial.

If the complaint is about the Headteacher, the complainant should complete the form or write to the Chair of the Board of Trustees, and deliver or post this to the school office marked 'Private and confidential - for the attention of the Chair of the Board of Trustees' (please see section 7 below).

If the complainant's child has a Statement of Special Educational Needs (SEN) or an Education, Health and Care Plan (EHCP) the complainant might find it helpful to talk to our Special Educational Needs Co-ordinator (SENDCo) or the complainant's 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 the complainant.

6.3 Second - formal stage

If the complainant remains dissatisfied following Formal Stage 1 and wishes to take their complaint further, the complainant should contact the Clerk to the Board of Trustees within 10 school days of receiving the outcome letter from stage 1 regarding this, and the complainant will be asked to complete a further form (attached at appendix 1) or write a letter / email.

Complaints can also be escalated:

- Over the phone
- In person
- Through a third party acting on behalf of the complainant

The Clerk will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

The Clerk will acknowledge receipt of the request within 5 school days.

The Chair of the Board of Trustees will arrange for the complaint to be considered and investigated under the arrangements approved by the Board of Trustees. If the Chair of the Board of Trustees has been involved in discussions to help settle the disagreement at the first formal Stage, s/he will arrange for another Trustee to take charge of co-ordinating the procedure. The Trustee in charge of investigating the complaint may ask to meet the complainant to discuss their concerns before a complaints' panel is convened. The panel will not consist of any members who have been directly involved in the matters detailed in the complaint.

The panel will consist of the first 3 members of the Trustee Board available, who don't have direct knowledge of the complaint. These individuals will have access to the existing record of the complaints. The trustees will select a panel chair from amongst themselves.

If not enough impartial trustees are available, we will seek panel members from other schools or the local authority. We will make sure the trustees we source are suitably skilled and can demonstrate that they are independent and impartial.

If the complainant rejects the offer of 3 proposed dates without good reason, the Clerk will set a date. The hearing will go ahead using written submissions from both parties.

The Clerk will invite the complainant to attend the Complaints Panel and the complainant will be informed of the time, date and venue for the hearing. The Clerk will collate and distribute any relevant information. The panel will, where possible, be convened within 25 school days from receipt of the complainant's stage 2 complaint. The Chair of the panel will notify the complainant if longer time is needed to investigate.

The complainant should make sure that the Clerk is provided with any written information or evidence the complainant intends to use in a formal hearing. The complainant may bring a friend, representative or interpreter to any meeting if the complainant wishes. The Chair of the Panel may invite any person who may help establish the facts of the complaint. The Chair should tell the complainant who this person is before the meeting. If any member of staff is required by the Board of Trustees 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 Trustees. They may also be represented. If this happens, we will inform the complainant in advance.

At the meeting

At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant will be allowed to attend the panel hearing and be accompanied by a suitable companion if the complainant wishes. We do not encourage either party to bring legal representation but will consider it on a case-by-case basis. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by their union.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

The panel, the complainant and the school representative will be given the chance to ask and reply to questions. Once the complainant and school representatives have completed presenting their cases, the complainant and school representatives will be asked to leave and evidence will then be considered.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the Headteacher.

The outcome

The panel can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part

If the complaint is upheld, the panel will:

- Decide the appropriate action 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 Panel or the Trustee in charge of the investigation will write to the complainant to tell the complainant the findings within 10 school days of the panel hearing. If a longer time is required, the complainant will be advised of this.

These findings will be reported to the Board of Trustees together with any recommendations for a change in policy / practice.

**The School will always endeavour to complete responses to complaints within the timescales above. However, where the above timescales are not possible (i.e. where a more extensive investigation is required) the complainant will be informed and updated, and given reasons for the delay.*

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the Clerk to the Trustee Board in writing within 10 school days. This will then be heard by an Independent Reviewer or Panel (see 6.4).

6.4 Submission of the complaint to an independent reviewer or panel of independent governors

The independent reviewer (or an independent panel) depending on the circumstances as outlined in paragraph 7, is appointed by or on behalf of the school. This person/s must not, at any time, have been a trustee of the school, or a member of staff or supply staff at the school, and must not have been the parent / carer of a registered or former registered pupil at the school. They must also not have been directly involved in any matter detailed in the complaint.

The independent reviewer / panel will convene a review meeting with the complainant and representatives from the school, as appropriate. Each will have an opportunity to set out written or oral submissions prior to the meeting.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence.

The independent reviewer / panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions.

The complainant, school and Headteacher, and where relevant, the subject of the complaint, will be given a copy of the findings and recommendations made by the independent person / panel.

The school will inform those involved of the decision in writing within 10 school days.

6.5 Accompaniment for the Complainant

The complainant may be accompanied by a companion to any of the formal meetings, and should inform the school of the identity of their companion in advance.

In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange an alternative accompaniment.

7. Complaints against the headteacher, a trustee or the Trustee Board

7.1 Stage 1: informal

Complaints made against the Headteacher or any member of the Trustee Board should be directed to the Clerk to the Trustee Board in the first instance.

If the complaint is about the Headteacher a trustee will carry out the steps at stage 1 (set out in section 6 above).

If the complaint is about an individual trustee, another trustee will carry out the steps at stage 1

If the complaint is jointly about the chair and vice-chair, the entire Trustee Board or the majority of the Trustee Board, an Independent Investigator appointed by the Clerk to the Trustee Board.

7.2 Stage 2: formal

If the complaint is jointly about the chair and vice-chair, the entire Trustee Board or the majority of the Trustee Board, an independent investigator will carry out the steps in stage 2 (set out in section 6 above). They will be appointed by the Trustee Board, and will write a formal response at the end of their investigation.

7.3 Panel

If the complaint is jointly about the Chair and the Vice Chair of the Trustee Board or the majority of the Trustee Board or the entire Trustee Board, Stage 2 will be heard by a Panel of Independent Governors.

8. Referring complaints on completion of the school's procedure

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a school's decision about a complaint. However, it will look into:

- Whether there was undue delay, or the school did not comply with its own complaints procedure
- Whether the school was in breach of its funding agreement with the Secretary of State
- Whether the school has failed to comply with any other legal obligation.

If the school did not deal with the complaint properly, the school will be asked to re-investigate the complaint. If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

We will include this information in the outcome letter to complainants.

9. Persistent complaints

9.1 Unreasonably persistent complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it's already been resolved by following the school's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Knowingly provides false information
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- Changes the basis of the complaint as the investigation goes on
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value.

Steps we will take

We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the school in a disruptive way, we may put communication strategies in place. We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as Citizens Advice
- Put any other strategy in place as necessary.

Stopping responding

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience.

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

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 our school site.

9.2 Duplicate complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

9.3 Complaint campaigns

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all of the complainants.

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

10. Record keeping

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel. This is except where the Secretary of State (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law and our privacy notices.

11. Learning lessons

The Board of Trustees will review any underlying issues raised by complaints with the Headteacher, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

12. Monitoring arrangements

The Board of Trustees will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Board of Trustees will track the number and nature of complaints, and review underlying issues.

The complaints records are logged and managed by the Strategy Manager.

This policy will be reviewed by the Board of Trustees annually.

At each review, the policy will be approved by Board of Trustees.

13. Links with other policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report
- Privacy notices

Appendix 1

Formal Complaint Form (Stage 1 & 2)

Name		
Address		
Postcode		
Email address		
Telephone No.	Day	
	Evening	
	Mobile	
What is it you want to complain about?		
Please be as specific as possible and outline any informal discussions that have taken place		
Confirm who you have already spoken to regarding your complaint		
Outline relevant dates, times and names of witnesses and any relevant documentation		
What would you like us to do to put things right?		
Signed:	Date:	