Complaints Policy

Hampton Academies Trust

Policy last reviewed:	September 2024
Next review due:	September 2025
Member of staff responsible:	Miss Emily Culpin
Ratified by:	Trust Board

COMPLAINTS POLICY

The Trustees of Hampton Academies Trust have adopted the following policy to deal with formal complaints from members of the school community or general public.

1. Dealing With Concerns at the Earliest Opportunity

If parents, pupils or members of the public have concerns they should:

- Point 1 - discuss their concerns with the member of staff most directly involved *and if not satisfied;*

- Point 2 - discuss their concerns with a senior member of staff *and, if not satisfied;*

- ***We expect the majority of concerns will be resolved in this way (and not recorded as a formal complaint). However if not, the following formal procedure will be followed:***

- Point 3 - discuss their concerns with the Head of School - ***Stage 1 of the formal process)***

(DfE guidance draws a distinction between informal and formal stages. Points 1 and 2 are informal. Point 3 is the first formal stage.)

At each stage in the procedure, schools will want to keep in mind ways in which a concern or complaint can be resolved. It might be sufficient to acknowledge that the concern or complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- An appropriate apology;
- An explanation;
- An admission that the situation could have been handled differently or better;
- An assurance that the event complained of will not recur;
- An explanation of the steps that have been taken to ensure that it will not happen again;
- A commitment to review school policies in light of the complaint.

Complainants should be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence. Equally, an effective procedure will identify areas of agreement between the parties. It is also of importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

Only where all these avenues have been tried and found unsatisfactory should the complainant take a complaint to the Chair of Governors or Governance Professional.

2. Principles Informing Our Complaints Procedure

This procedure is designed to:

- Be well publicised and easily accessible;
- Be simple to understand and use;
- Be impartial;
- Be non-adversarial;
- Allow swift handling with established time limits for action and keeping people informed of the progress;
- Allow a mediation process if agreed by the complainant;

- Allow for a hearing of a Panel of Governors, where appropriate;
- Respect people's desire for confidentiality, wherever possible;
- Address all points of issue, provide an effective response and appropriate redress where necessary;
- Provide information to the school's Senior Management Team so that services can be improved;
- Ensure a full and fair investigation by an independent person where necessary

3. Making a Complaint to the Governing Body - *Stage 2 of the formal process*

Where informal attempts have been unsuccessful in resolving a complaint, the complainant should write to the Chair of Governors or Governance Professional at the school address or Governance Professional email address. The envelope should be marked 'FOR IMMEDIATE ACTION' 'PRIVATE AND CONFIDENTIAL' and staff in the school office must ensure that the letter is forwarded without delay.

The complainant will be acknowledged within 48 hours (during school opening times) and be asked to complete a complaint form (Annex 1) if they have not already done so. The Chair of Governors or Governance Professional will offer to help an individual to complete the form if appropriate.

On receipt of the complaint, the Chair of Governors (or other governor) will:

- Clarify the nature of the complaint and what remains unresolved;
- Meet with the complainant or contact them (if unsure or further information is necessary);
- Clarify what the complainant feels would put things right.

At this point, the Chair of Governors will decide whether the complaint should go straight to the Governors' Complaints Panel or whether a mediation stage should be offered. Mediation can only proceed if the complainant and the Head of School are willing for it to be tried. If mediation is not successful, the complaint will be considered by the Governors' Complaints Panel.

4. Mediation

Mediation can be a good way to resolve a complaint because:

- It gives both complainant and Head of School another opportunity to hear each other's points of view (with a third party facilitating);
- It gives the third party an opportunity to help Head of School and complainant identify and build on areas of agreement;
- It gives the Head of School and complainant a structure within which they can resolve remaining differences;
- If both complainant and Head of School emerge from the mediation satisfied, that is the best foundation for a continuing positive relationship between them;
- Even if the complaint continues to a Governors' Panel, the issues to be considered are likely to be much clearer following the mediation.

Mediation may elicit one or more of the responses listed below from either party:

- An acknowledgment that the complaint is valid in whole or in part;
- An appropriate apology;
- An explanation;
- An admission that the situation could have been handled differently or better;
- An assurance that the event complained of will not recur;
- An explanation of the steps that have been taken to ensure that it will not happen again;
- An acceptance that the complaint need go no further;
- A commitment to review school policies in light of the complaint.

See Appendix 2 for Mediation facilitator options.

5. Governors' Complaints Panel

Where the complainant is still not satisfied that their complaint has been dealt with fully and properly, they may choose to take it to a panel of Governors.

5.1 Establishing a Complaints Panel

As governors may not be available at all times, Governing Bodies are advised to agree the names of four or five possible governors from whom a panel of three may be drawn. The decision about the membership of a particular panel will depend on factors such as availability, whether any governors have prior knowledge or have a conflict etc. and the decision will be made by the Chair of Governors.

When the Governance Professional receives a copy of the complaint form, he/she will inform the Governing Body that a complaint has been received and that it has been passed to the Panel to deal with. **No further information about the complaint should be shared with other governors.**

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.
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.
c) 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 not intimidating and not adversarial.

The Chair of the Panel will be nominated by the Chair of Governors and is responsible for ensuring that both complainant and Head of School are given a fair hearing and that the Panel arrives at its judgment without fear or favour.

5.2 Remit of the Panel: the Complaints Panel can:

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

It may:

- Consider and, if appropriate, criticise the way in which an operational decision was communicated — **but cannot overturn the decision itself;**
- Consider the thoroughness with which the **Head of School** investigated a complaint about a member of staff — **but cannot expect the Head of School to provide details about confidential discussions with that staff member;**
- Consider the manner in which a complaint about any decision was addressed, ask for the decision to be reviewed — **but cannot expect the Head of School to have changed the decision;**
- Consider and, if appropriate, identify limitations in a policy or procedures **—but cannot make changes to the policy.** (It can, however, recommend that the policy be reviewed by the Governing Body to ensure that problems of a similar nature do not recur and individual panel members can subsequently play their part in improving the policy);
- Consider whether it should recommend that the governing body offer appropriate redress.

5.3 Format of a Panel Hearing

- Complainant and Head of School will enter the room where the hearing is taking place together.
- The chair will introduce the panel members and the Governance Professional and outline the process.
- The complainant is invited to explain the complaint.
- The Head of School may question the complainant.
- The Panel will question the complainant.
- The Head of School is then invited to explain the school's actions.
- The complainant may question the Head of School.
- The panel will question the Head of School.
- The complainant is then invited to sum up their complaint.
- The Head of School is then invited to sum up the school's actions and response to the complaint.
- The Chair explains that both parties will hear from the Panel within five working days.
- Both parties leave at the same time while the Panel decides on the issues.
- The Governance Professional will remain with the Panel to clarify any issues.

Notes

The hearing should be made as unintimidating as possible to all parties.

The Panel may ask questions at any point. Panel members must find ways to ask probing questions while maintaining impartiality.

The Head of School must have no contact with members of the Governors' Complaints Panel, except when the complainant is present, to preserve the principle of neutrality. This means that Head of School and complainant enter and leave the room where the hearing is held together. The Chair of the Panel should discourage the introduction of fresh documentary evidence at

the hearing — there should be every encouragement to produce the evidence in advance so that both sides have time to study it. However, if new and relevant evidence is accepted by the Chair, the Chair will adjourn the hearing for a few minutes to allow everyone to read the document. Both parties must leave the hearing room during the adjournment.

5.4 Some Notes on Exceptional Circumstances

For the sake of clarity, the description above does not cover exceptional circumstances which might include:

The Chair of Governors may not be able to find three governors who have no prior knowledge of the case.

If a case has become a major talking point around the community, the Chair can nominate three governors with minimal prior knowledge, using governors from another school if needed.

If there are still insufficient governors able to sit on a panel, the Governing Body, in consultation with the Local Authority, will put in place an alternative fair process.

A complaint about a junior member of staff would be handled by the relevant Head of School and not the Governors' Complaints Panel, unless the complaint is against the way the Head of School handled a complaint against a junior member of staff. A senior member of staff is able to stand in for the Head of School. That however would need to be considered very carefully, but if agreed, the senior manager would be 'the Head of School' for the purpose of the Panel.

There may be exceptional circumstances in which the complaint is against the Chair of Governors e.g. for refusing to deal with a complaint. In those circumstances, the procedure above would be adapted and every reference to Chair of Governors' would be read as 'Chair of Trust.'

5.5 Writing the Decision Letter

The Governance Professional should ensure that s/he has clear wording, stating the Panel decision about each of the issues that the Panel considered, before the Panel is allowed to finish. The Governance Professional will use that wording to draft the decision letter. This should be sent to all members of the Panel for checking. Once approved by all three Panel members, it should be sent to the complainant, with a copy to the Head of School.

The letter should clearly express how seriously the Panel considered the complaint.

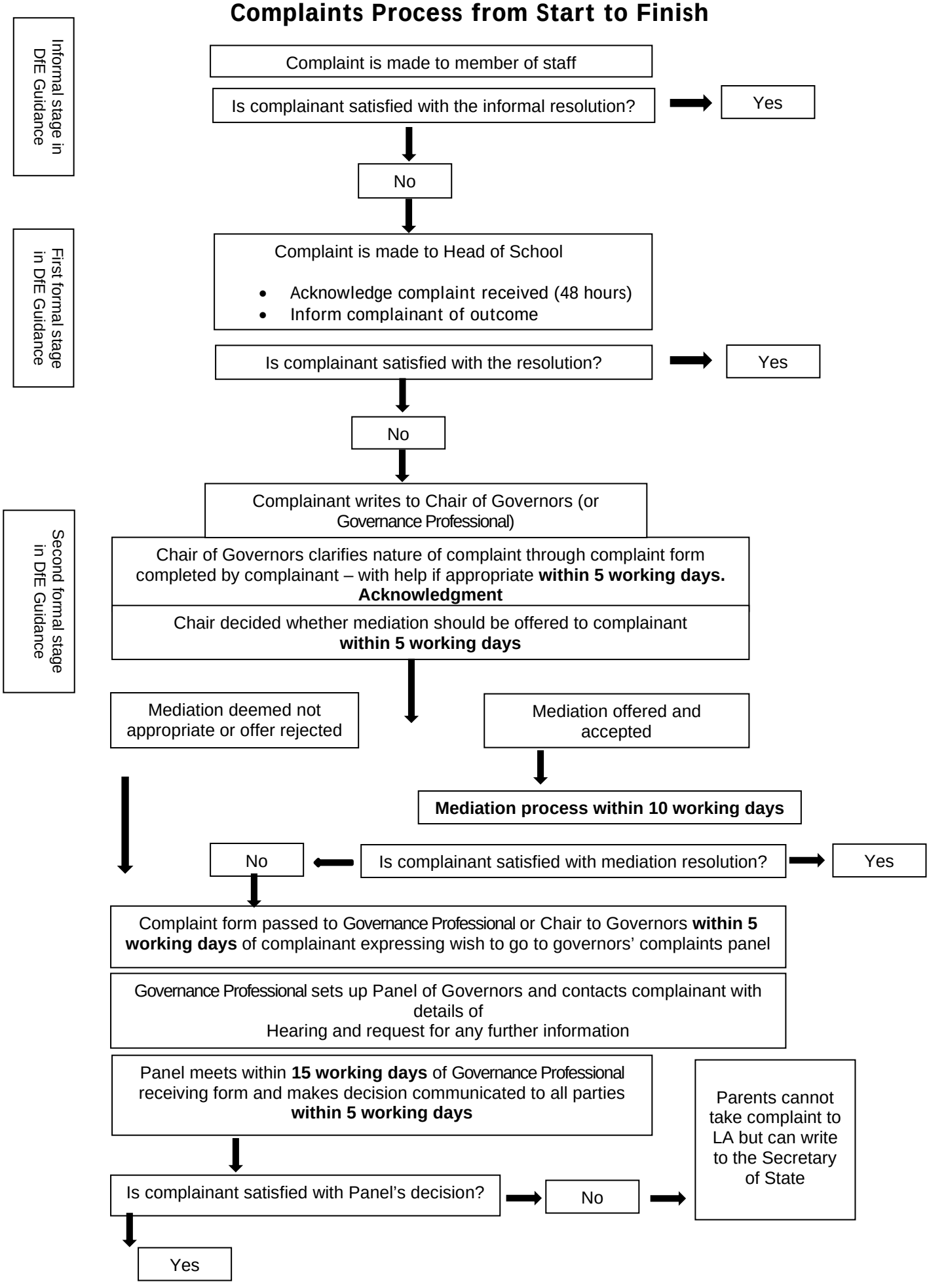
The Governance Professional should be careful that the letter sticks to the facts and gives no hint of partiality. The Governance Professional should ensure that the letter reaches the complainant and the Head of School by the deadline stated by the Chair at the end of the hearing — (usually five working days).

6. Monitoring Complaints

As well as addressing an individual's complaint, the process of listening to and resolving complaints would contribute to school improvements. When individual complaints are heard, schools may identify issues that need to be addressed. The monitoring and review of complaints by the school and Governing Body can be useful to evaluating the school's performance. The Executive Headteacher and Chair of Trust will be made aware of any formal complaints and they will be collated and kept on file. Any discussion of complaints by the Governing Body or others in the school community should not name, or be able to identify, individuals.

The flowchart overleaf summarises the complaints process.

Complaints Process from Start to Finish



ANNEX 1 MODEL COMPLAINT FORM

Notes

The form overleaf must be used by any person making a complaint about the operation of the school which is not covered by an alternative specific procedure. Complaints will most often come from parents or carers but may also come from pupils/students or members of the public e.g. school neighbours.

Anyone receiving this form should be advised verbally that help in completing it is available from the school. A member of school staff who is familiar with the process should be nominated to give help.

COMPLAINT FORM

Please complete and return to: .....
who will acknowledge receipt and explain what action will be taken.

Your name: .....

Address: .....

.....

.....

Postcode: .....

Daytime telephone number: .....

Evening telephone number: .....

If applicable, name of child(ren) at school:

Please give details of your complaint:

What action, if any, have you already taken to try and resolve your complaint? (Who did you speak to and what was the response?):

Your relationship to the school, e.g. parent, carer, neighbour, member of public:

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

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

Signature: .....

Date: .....

Official Use:

Date of acknowledgement sent: .....

By Whom: .....

Complaint referred to: .....

Date: .....

APPENDIX 2 – MEDIATION

The Benefits of Mediation

Mediation can be a good way to resolve a complaint because:

- It gives both complainant and Head of School another opportunity to hear each other's points of view (with a third party facilitating);
- It gives the third party an opportunity to help Head of School and complainant explore and build on areas of agreement;
- It gives the Head of School and complainant a structure within which they can resolve remaining differences;
- If both complainant and Head of School emerge from the mediation satisfied, that is the best foundation for a continuing positive relationship between them;
- Even if the complaint continues to a Governors' Panel, the issues to be considered should be much clearer.

Mediation may elicit one or more of the responses listed below from either party:

- An acknowledgment that the complaint is valid in whole or in part;
- An apology;
- An explanation;
- An admission that the situation could have been handled differently or better;
- An assurance that the event complained of will not recur;
- An explanation of the steps that have been taken to ensure that it will not happen again;
- A commitment to review school policies in light of the complaint.

Recourse to mediation must be with the agreement of both parties and is intended to help arrive at a mutually agreeable solution — it is not possible to impose this on either party. Nor does it prevent a complainant having recourse to formal appeals procedures as detailed.

If the Governing Body Requires Outside Help

Governor Services offers a mediation service where a trained Governance Professional, governor or adviser acts as mediator.

The mediation 'package' consists of the following elements:

- Familiarisation with the background and nature of the complaint (including the reading of supporting documentation and interviews with the complainant, staff and governors as appropriate. These may be 'face to face' or by telephone);
- A mediation meeting between the complainant and a representative of the school;
- A written summary of the mediation meeting including, where appropriate, recommendations in relation to school policies, procedures and actions.

Mediation will be undertaken by a trained Governance Professional, governor or adviser not directly linked to the school, in order to ensure complete impartiality.

To access the mediation service contact Governor Services on 01733 863642.

How Do I Complain To The School?

First, we hope you will speak to the relevant member of staff as soon as you have a concern. This will be the class teacher (primary). This will be the form tutor, subject teacher, or head of year/house (secondary).

This informal approach is nearly always the quickest and most effective way of resolving your concerns.

If you feel that your concern has not been resolved, then it is important to speak to or write to the Head of School, who will look into your concern.

If you are unhappy with the Head of School's response, you should write your complaint to the Chair of Governors/ Governance Professional at the school address or email address. Mark your envelope 'FOR IMMEDIATE ATTENTION' 'PRIVATE AND CONFIDENTIAL'.

This Is How Your Complaint Will Be Handled

Within 48 hours (of school opening times) the Governance Professional will acknowledge receipt of the complaint.

Within 5 working days the Chair of Governors will clarify the nature of your complaint by asking you to complete a complaint form and will offer help in completing the form, if appropriate.

Within 5 working days of receiving the form the Chair will decide whether mediation should be offered to help you and the Head of School explore possible resolution.

If mediation is agreed, the Chair of Governors will endeavour to set up the meeting **within 10 working days.** If that timescale is not possible, you will be told the reason.

If mediation is not deemed appropriate or if it is not successful, the Chair of Governors or Governance Professional will set up a Panel of Governors to meet **within 15 working days** upon receipt of the complaint form to consider your complaint. The Governance Professional will provide details of the hearing and will request any further information you may wish to provide.

The Complaints Panel will consist of three governors who (as far as possible) will have no prior knowledge of the events being complained of. The Panel will be supported by a Governance Professional, who will take notes during the Hearing and will stay with the Panel while they make their decision, in case governors need to be reminded about responses to a particular question. The Panel will hear the complaint impartially and make their decision based on the facts and the evidence they have been provided with.

Five working days before the Hearing, the Governance Professional will send to you, the complainant, the Head of School and the three panel members, copies of all papers submitted by both sides, so that there is sufficient time to read the evidence before the Hearing (which must be submitted to the Governance Professional seven days before the Hearing).

At the Hearing:

1. You and the Head of School will be invited into the room where the Panel is being held at the same time.
   After introductions, you, the complainant will be invited to explain your complaint.
3. The Head of School may question you.
4. The Panel will question you.
5. The Head of School will be invited to explain the school's actions.
6. You, the complainant may question the Head of School.

7. The Panel will question the Head of School.
8. The Panel may ask questions at any point.
9. You, the complainant will then be invited to sum up your complaint.
10. The Head of School will then be invited to sum up the school's actions and response to the complaint.
11. The Chair will explain that you and the Head of School will hear from the Panel **within five working days.**
12. Both you and the Head of School will leave together, while the Panel decides on the issues.
13. The Governance Professional will remain with the panel.

Can I Take My Complaint Further?

You cannot take your complaint to the local authority. The local authority cannot investigate school matters on a parent's behalf, nor can it review how the school has dealt with your complaint.

However, if you feel that the school has acted unreasonably or not followed the correct procedures, you can write to the Secretary of State for Education http:// https://www.gov.uk/contact-dfe