



HBH Academy Trust

Complaints Policy

Date: October 2015

OUR COMPLAINTS POLICY

COMPLAINTS POLICY & PROCEDURE

This policy has been drawn up after referral to Sheffield City Council's Model Complaints Policy.

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 will 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 complainant can be referred to another staff member. Where the complaint concerns the Principal, the complaint should be directed to the Chair of the Local Governing Body.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, they may request that complainant is dealt with by 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/Trust member, that governor should supply a copy of this complaints policy and explain the process and then pass the complaint to the relevant school office so that it may be logged as a complaint and passed on to the appropriate member of staff. 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.

INFORMAL STAGE:

At this stage, the member of staff receiving the complaint in concert with other appropriate staff in the school, would expect to have a meeting with the complainant to explore matters and see if they can be resolved informally. Should this not be possible, the complaint then becomes a formal one and is transferred by the school to the Principal. Following this informal meeting, the complainant should be written to, to inform them that either

- The complaint has been satisfactorily dealt with and the matter is now closed **OR**
- The complaint cannot be resolved informally and the complaint has now been passed on to the Principal who will contact the complainant within 7 days.

STAGE ONE - COMPLAINT HEARD BY PRINCIPAL

The Principal's influence will already have shaped the way complaints are handled in the school. At this point, the complainant may be dissatisfied with the way the complaint was handled at the informal stage. The head may delegate the task of collating the information to another staff member but not the decision on the action to be taken. The Principal will contact the complainant and having collated the information relevant to the complaint and considered it will either write to the complainant regarding their decision or invite them to a meeting to discuss the issue. In the event that the Principal holds a meeting with the complainant, notes should be kept of this meeting and the accuracy of these checked with the complainant.

STAGE TWO - COMPLAINT HEARD BY CHAIR OF LOCAL GOVERNING BODY

If the complainant is not satisfied with the outcome of stage one, they may request that the complaint moves on to stage two. This is not automatic. It must be requested by the complainant if they are not satisfied with the decision or action proposed at the end of stage one.

In stage two, the complainant asks for a review of their complaint by writing to the Chair of the LGB, care of the school, making it clear why they are complaining, who they have already spoken to and what they want to happen as a result of their complaint. Complaints made to the Chair should be acknowledged within 5 working days with a substantive response within 15 working days. The Chair may need to hold interviews with the Principal and possibly other members of staff and notes should be kept of those meetings. These notes may need to be made available to the complainant.

The letter conveying the Chair's findings should include details of the next stage of the procedure.

The Chair may need to explain the power of the governing body in the matter in question and the extent it may be possible to achieve the outcome desired by the complainant.

STAGE THREE - COMPLAINT HEARD BY TRUST BOARD

If the complainant is not satisfied with the outcome of stage two, they may request that the complaint moves on to stage three. This is not automatic. It must be requested by the complainant if they are not satisfied with the decision or action proposed at the end of stage two.

In stage three, the complainant asks for a review of their complaint by writing to the chair of the Trust Board care of the school, making it clear why they are still dissatisfied.

Complaints made to the Chair should be acknowledged within 5 working days. The Chair will convene a Trust complaints panel, consisting of two Trust Board members. This 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 governing body or Trust Board 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.

At the panel hearing, the complainant expects to be able to speak personally to the panel. The complainant will be invited to bring witnesses and may be supported by a friend during the proceedings. It is not appropriate for the supporter to be a local councillor or a family member. The Principal who heard the complaint at stage two will also be invited to attend with any necessary witnesses. Each of the complainant and Principal will meet with the panel separately.

ROLES AND RESPONSIBILITIES

THE REMIT OF THE TRUST COMPLAINTS PANEL

The 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 that problems of a similar nature do not recur

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

1. It is important that the panel is independent and impartial and that it is seen to be so.

2. No Trust Board member may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
3. In deciding the make-up of the panel, the Trust must ensure that it is a cross-section of the categories of governor/Trust and sensitive to the issues of race, gender and religious affiliation.
4. The aim of the complaints panel, 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 panel 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.

5. 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
6. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the panel, if any, the child needs to attend.
7. The Trust Board members sitting on the panel need to be aware of the complaints procedure.

THE ROLE OF THE CLERK

The DfE strongly recommends that any panel or group of governors considering complaints be clerked. The clerk would be the contact point for the complainant and be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible
- collate any written material and send it to the parties in advance of the hearing

- meet and welcome the parties as they arrive at the hearing
- record the proceedings
- notify all parties of the panel's decision

THE ROLE OF THE CHAIR OF THE TRUST BOARD

The Chair of the Trust Board should:

- check that the correct procedure has been followed
- if a panel is appropriate, notify the clerk to arrange it

THE ROLE OF THE CHAIR OF THE PANEL

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption
- the issues are addressed
- key findings of fact are made
- parents and others who may not be used to speaking at such a meeting are put at ease
- the panel is conducted in an informal manner with each party treating the other with respect and courtesy
- the panel is open minded and acting independently
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- each side is given the opportunity to state their case and ask questions
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it

NOTIFICATION OF THE PANEL'S DECISION

The Chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response within 15 working days. The letter needs to inform complainants that they can write to the Education Funding Agency following the completion of the full complaints process if they are still dissatisfied.

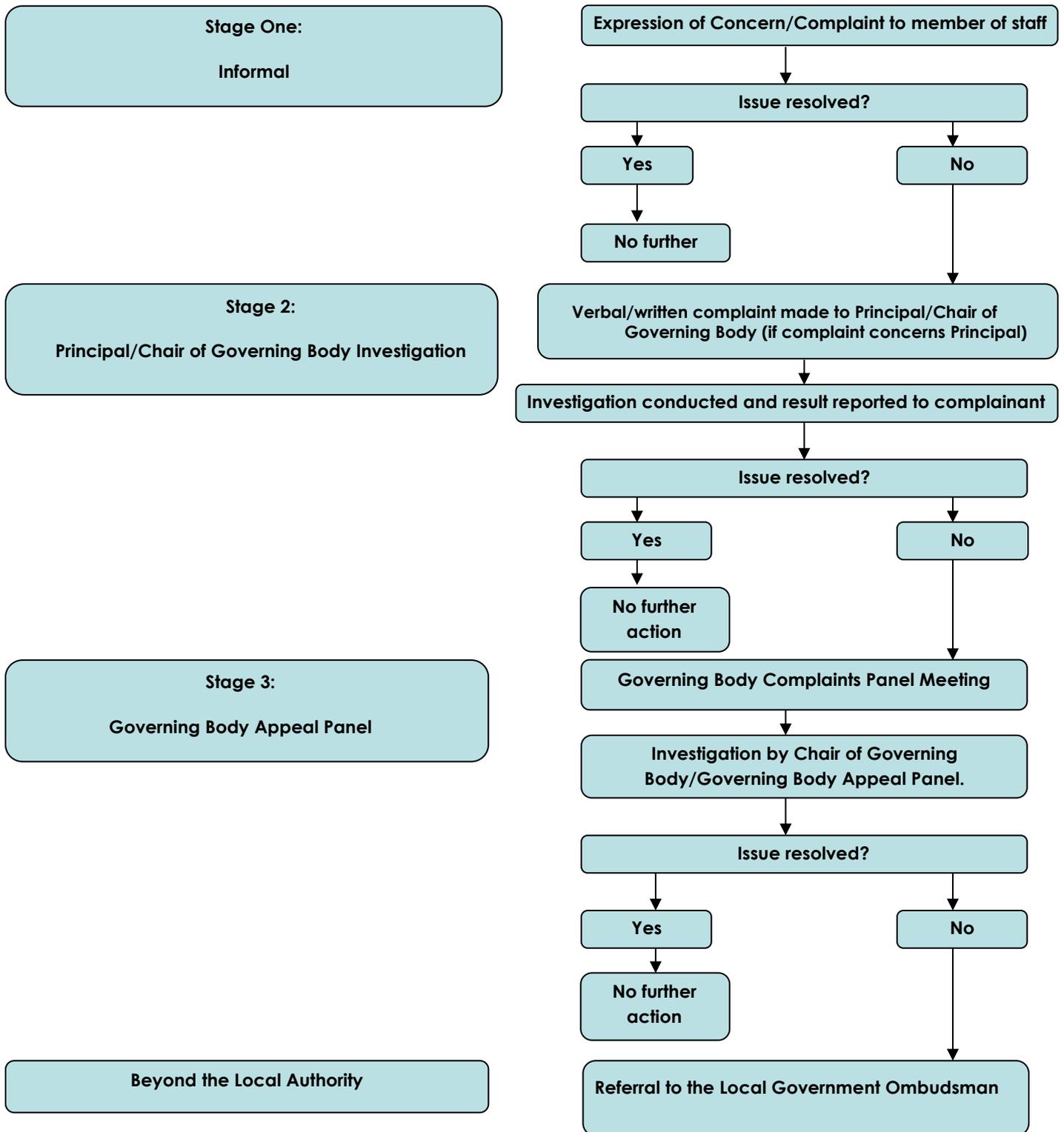
CHECKLIST FOR A COMPLAINTS PANEL

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Principal may question both the complainant and the witnesses after each has spoken.
- The Principal is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Principal and the witnesses after each has spoken
- The panel may ask questions at any point
- The complainant is then invited to sum up their complaint
- The Principal is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues
- The chair explains that both parties will hear from the panel within a set time scale.

Flowchart

Summary of Stages of Complaints



COMPLAINTS FORM



Your name:

Pupil's name:

Your relationship to the pupil:

School:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

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)?**

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

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

Signature:

Date:

For Official use by the school

Date acknowledgement sent:

By whom:

Complaint referred to:

Date: