

# Complaints Policy

Gemma Carr, Deputy CEO, Business

Managed Services

14 July 2023

Ongoing

July 2027

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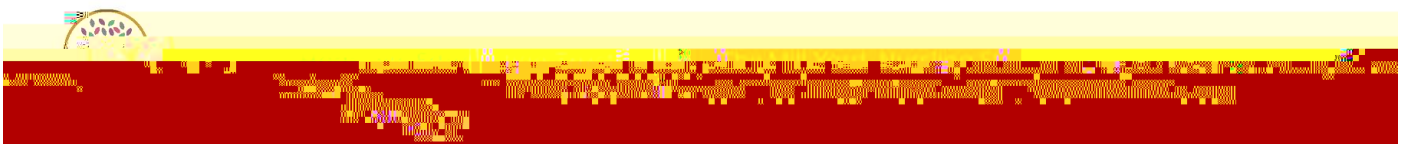
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HET schools are to publish this policy on their websites. The policy will also be published on the Trust website.



This policy is based on guidance from Part 7 of the Education (Independent School Standards) Regulations 2014 and best practice guidance for school complaints 2021 published by the Department for Education and should also be read in conjunction with any other relevant Trust policies.

The policy covers all schools within the Hamwic Education Trust (HET) and the Trust itself.

The complaints policy is not limited to parents or carers or children that are registered at any one school within HET. Any person, including members of the public, may make a complaint 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) – please see Section 4 Complaints Not in Scope of the Procedure, this complaints policy will be used.

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. HET and the schools within take concerns seriously and will make every effort to resolve the matter as quickly as possible.

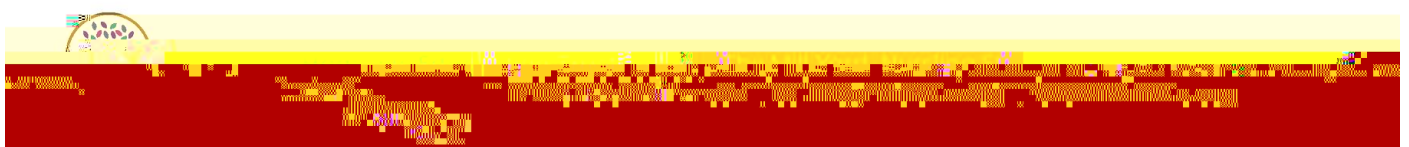
If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, you may be referred to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, you may be referred to another member of staff. 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, the school will attempt to resolve the issue internally, through the stages outlined within this complaints policy.

Any 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 of a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with either the class teacher or School Leader. 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. Governors have no power to act on an individual basis and it may also prevent them from considering complaints in Stage 4 of the procedure. Complaints against school staff (except the School Leader) should be made in the first instance, to the School Leader. Complaints that involve, or are about, the School Leader should be addressed to the Chair of governors.



In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete the complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations. Anonymous complaints will not be investigated and may be passed to the relevant school Chair of governors or School Leader to decide on appropriate action.

There are five stages to the procedure:

Stage 1 – Informal resolution

Stage 2 – Formal complaint to the School Leader

Stage 3 – Formal complaint to the local governing body<sup>1</sup>

Stage 4 – Formal complaint heard at a complaint panel hearing

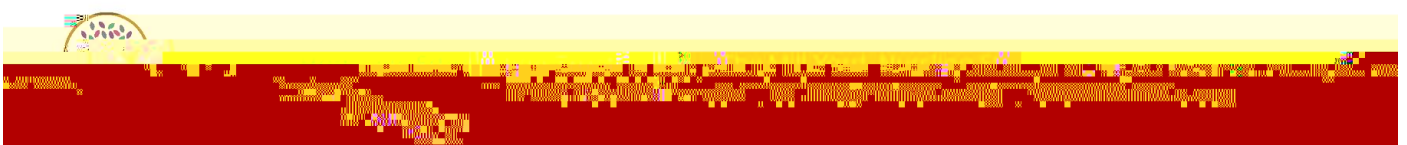
Stage 5 – Write to the Trust CEO

Complaints must be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents.

Complaints made outside of term time will be considered to have been received on the first school day after the holiday period.

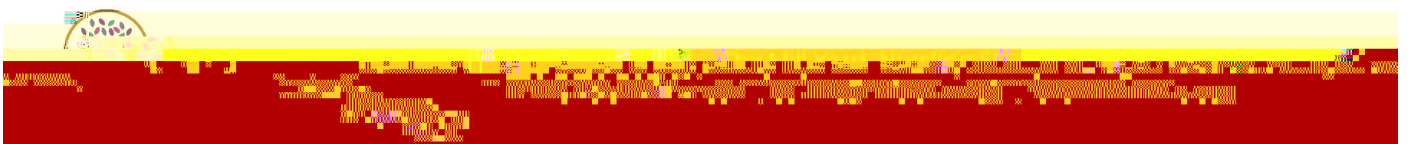
This policy covers all complaints about any provision of community facilities or services by the school, other than complaints that are dealt with under other statutory procedures including those listed below:

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Please see Appendix 1 for managing serial and unreasonable complaints.



The School Leader will then:

Record the date the complaint is received

acknowledge the complaint in writing (either by letter or email) within five school days of receiving the letter from the complainant

if necessary the School Leader will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The School Leader can consider whether a face to face meeting is the most appropriate way of doing this.

investigate the complaint. The School Leader may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

- During the investigation, the School Leader (or investigator) will if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- Keep a written record of any meetings/interviews in relation to their investigation

At the conclusion of their investigation, the School Leader will write to the complainant within 15 school days of receiving the initial letter of complaint detailing the outcome of the investigation. If the School Leader is unable to meet this deadline, they will provide the complainant with an update and revised response date.

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 the school will take to resolve the complaint.

The School Leader will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about the School Leader, or a member of the governing body (including the Chair or Vice-Chair), a suitable skilled governor will be appointed to complete all the actions at Stage 2.

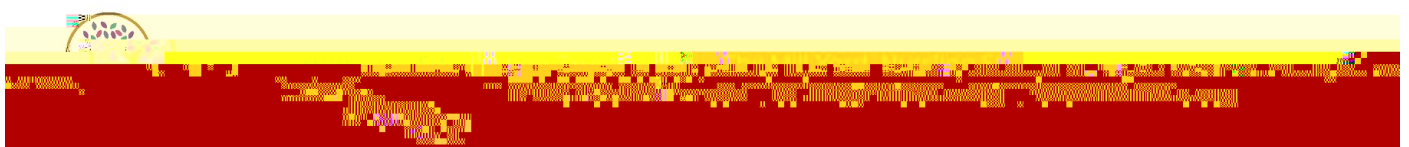
Complaints about the School Leader or member of the governing body must be made to the Clerk, via the school office.

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 considered by an independent investigator (independent of the school) appointed by the governing body or HET. At the conclusion of the investigation, the independent investigator will provide a formal written response.

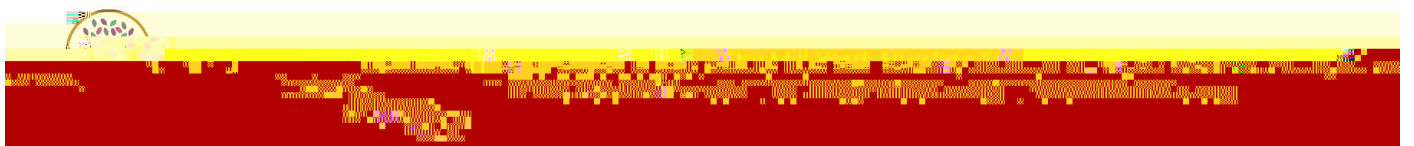
If the complainant remains dissatisfied after Stage 2, a formal complaint can be made to the local governing body or, in the absence of a local governing body, addressed to the Trust Head of Governance & Compliance within 15 school days of receipt of the response to Stage 2. Complaints must be put in writing along with a completed complaints form (Appendix 2) and addressed to the Chair of Governors. The Chair of Governors (or relevant nominated person) will investigate the complaint and write to the complainant within 15 school days of receiving the written formal complaint.







The complainant and / or stage 3 complaint investigator may wish to ask witnesses to attend the panel hearing. In





review the case and will aim to write to the complainant within 15 school days from the date of receipt of the complainant's letter.

A copy of the letter will be sent to the associated school.

Where complaints do not relate to a specific school and are related to the Trust as a whole, complainants should follow the stages below in resolving a concern or complaint.

Complaints must be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents.

Complaints made outside of term time will be considered to have been received on the first school day after the holiday period.

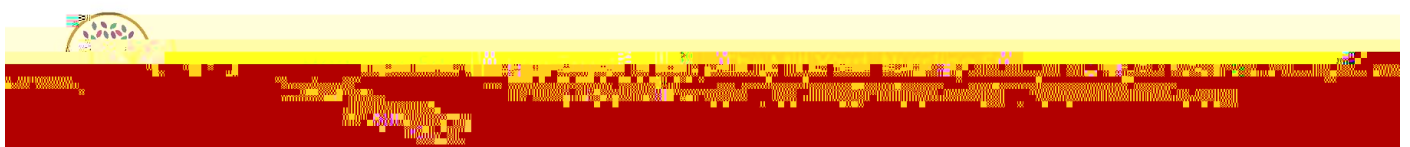
If the complaint concerns the CEO or a Trustee, the complaint should be investigated by the Chair of the Trust Board. If a formal complaint is received about the Chair, the complaint will be referred to the Vice Chair for investigation.

Where the Chair of the Trust Board has investigated the complaint, they will write a letter of outcome to the Complainant and provide a copy to the CEO.

Anonymous complaints will not be investigated under the complaints policy and will be passed to the CEO to decide on appropriate action.

The Trust procedure has three stages:

Members of the Managed Service team can deal with many concerns to the satisfaction of the complainant without



The CEO will then:

acknowledge the complaint within five school days of receiving the letter from the complainant. The acknowledgement will confirm the date for providing a response to the complainant.  
investigate the complaint (collecting of information may be delegated by the CEO to another member of staff, however the CEO will make the decision on action taken)  
write to the complainant within 15 school days of receiving the initial letter of complaint detailing the outcome of the investigation.

Where a formal complaint is about the CEO or a Trustee, the complaint will be referred to the Chair of the Trust Board.

The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the complainant remains dissatisfied and wishes to take the matter further. Any such request must be made within 10 school days of receiving notice of the outcome from Stage 2 of the process.

encourages resolution of problems by information means wherever possible  
is impartial  
is non-adversarial  
ensures a full and fair investigation  
allows for swift handling within agreed time-limits for action andio-



If the complainant rejects the offer of three proposed dates, without good reason, the Head of Governance 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 complaint panel will consist of at least three panel members, none of which will have been involved previously in the complaint or have any knowledge of the complaint. One of the members will be independent of the management and running of the Trust (i.e. not a Trustee of the Trust, a LGB governor or an employee of the Trust).

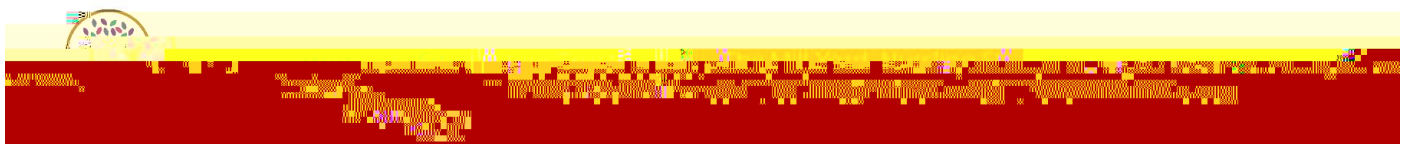
If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Trust board or
- the majority of the Trust board

Stage 3 will be heard by a completely independent committee panel.

The complainant and / or stage 3 complaint investigator may wish to ask witnesses to attend the panel hearing. In these cases, the names of the witnesses must be sent to the Head of Governance at least five school days before the hearing. All witnesses will be allowed to sit at the hearing only when they are called to give their verbal account or they are answering questions. They will be asked to leave the hearing for all other parts.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or a friend.



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 Chair will welcome the complainant, introduce the panel members and complaint investigator and explain the procedure.

- complainant to present their case and call witnesses (if required)
  - complainant to explain what outcome they would like to see reached
  - complaint investigator to ask complainant questions about the complaint
  - panel members to ask questions to the complainant about the complaint and reasons why it has been made
  - the Chair of the panel to ask the complainant questions and the reasons why it has been made (if unclear).
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- complaint investigator to present their case and call witnesses (if required)
  - complainant to ask representative questions
  - panel members to ask questions to the representative about the complaint
  - the Chair of the panel to ask the complaint investigator questions
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- The complainant to be invited to summarise the complaint without interruption
  - The complaint investigator to be invited to summarise the complaint without interruption

The Chair will explain to the panel that the decision of the panel will now be considered and a written decision will be sent to the complainant and complaint investigator within 15 school days. The Chair will ask all parties to leave except the panel members.

The complaints panel will adjourn to consider the outcome and any action to be taken to resolve the complaint. The panel can:

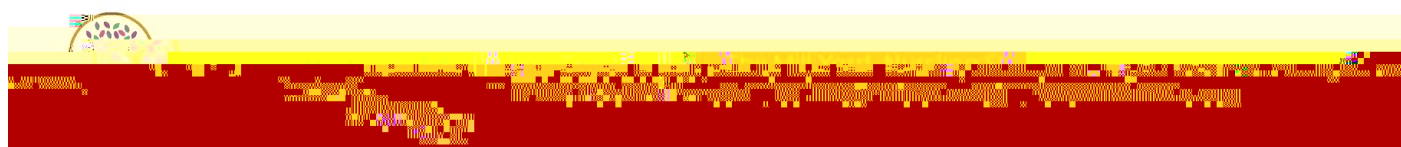
- dismiss the complaint in whole or in part
- uphold the complaint in whole or in part

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 HET's systems or procedures to prevent similar issues in the future

The Chair of the panel will provide the complainant and HET with a full explanation of their decision and the reason(s) for it, in writing within 15 school days.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint had been handled by HET.



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 HET will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection if required.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to panel hearing, along with what actions have been taken, regardless of the decision.

If the complainant believes that the school/HET 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 ESFA after they have completed all of the stages in their procedure.

The complainant can refer their complaint to the ESFA online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit  
Education and Skills Funding Agency  
Cheylesmore House  
5 Quinton Road  
Coventry  
CV1 2WT

All 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 2008 Act requests access to them.

The Hamwic Education Trust (HET) and schools within are committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We do not normally limit the contact complainants have with our schools. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

HET defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school and/or Trust, such as, if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process;
- refuses to accept that certain issues are not within the scope of the complaints policy;
- insists on the complaint being dealt with in ways that are incompatible with the complaints procedure or with good practice;
- introduces trivial or irrelevant information which they expect to be taken into account and commented on;



raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;

makes unjustified complaints about staff who are trying to deal with issues, and seeks to have them replaced;

changes the basis of the complaint as the investigation proceeds;

repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);

refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Education and Skills Funding Agency (ESFA);

seeks an unrealistic outcome;

makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email or by telephone while the complaint is being dealt with;

uses threats to intimidate;

uses abusive, offensive or discriminatory language or violence;

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

Signature

Date

Date Form received

Received by

Date acknowledgement sent

Acknowledgement sent by

Complaint referred to

Date complaint referred



Formal complaint received by school leader in writing (or on complaints form) within 10 school days from date of informal resolution letter.

