

# HEARTS Academy Trust

## COMPLAINTS PROCEDURE Including Policy for managing serial and unreasonable complaints-



HEARTS ACADEMY TRUST

**Adopted by the Trustees on:** April 2019

**To be reviewed:** May 2020

**Signed:**

A handwritten signature in black ink, appearing to read 'Vaughan Collier', written over a horizontal line.

# HEARTS Academy Trust

## MISSION STATEMENT

The schools of the **HEARTS** Academy Trust are committed to providing a happy, caring and safe learning environment for all within a values led context, where everyone feels valued and grows in confidence and independence.

We promote **happiness** through a creative, exciting and practical curriculum, which generates a love of, and interest in, learning and a resilience and hope which supports us through challenging times.

Great value is placed on pupils' self **esteem** which is developed through a positive and motivated attitude to learning, a healthy lifestyle, good social skills, self-discipline and a positive self-image.

We promote the highest standards of **achievement** in all areas of the curriculum and help all pupils to fulfil their potential regardless of gender, race or ability.

We foster **respect** and **responsibility** for all by establishing good relations between the school and home and community. Pupils are taught respect for themselves, others and the environment. They are also taught to take full responsibility for their own choices and responsibility for themselves and their community.

We encourage **truth** and honesty in all aspects of school life – relationships, work and the curriculum and learn to trust and accept others' individuality and uniqueness.

We develop **spirituality** and **service** so that calm, quiet, reflective times which support deep thought are part of school life and beauty is appreciated. We promote a service culture that reflects our duty to support and show compassion to all members of the community and not just ourselves.

## **HEARTS Academy Trust: Complaints Procedure**

### **Compliments**

These are always welcome and very encouraging to teachers and staff. The Trust encourages feedback or opinions from pupils, parents and carers. In practice this dialogue is continuous, sometimes directly and also indirectly, for example, through the Parents' Association. It may not always be possible to act immediately but pupils and the school always benefit so please don't hold back.

### **Concerns**

It is natural that parents or other interested parties may, occasionally, be concerned about an aspect of their child's education, welfare at school or other operational aspect of Trust matters. This could include issues concerning the school's approach to aspects of the curriculum, homework, behaviour issues or any other issue.

The school welcomes enquiries from parents or other interested parties about any matter. Teachers and staff will explain the school practices, policies, and how they affect the pupils. The vast majority of concerns will be handled by the Class Teacher or Administrator if this is more helpful. If in doubt, keep asking until you are completely satisfied as all staff are eager to help.

The way forward is to speak to the child's class teacher in the first instance, or to contact the school office to arrange an appointment to discuss your concern. At all times the staff will help to resolve a problem. If occasionally parents or other interested parties feel they must state their concern formally, this too is not a problem. The school has defined procedures for handling complaints so don't be embarrassed if you feel an issue warrants more attention.

### **Complaints**

Complaints can only be heard about a situation that has occurred in the previous 6 weeks, though an extension will be granted about a situation that occurred immediately prior to the summer break. Complaints from a member of staff would be dealt with via the grievance procedure. At no stage in the complaints process will information be shared about another pupil, parent or staff member. At all times in the process the behaviour of the school representative and the complainant will be professional and respectful. Information must never be published on social media about a complaint and the investigation process will be halted if this is done, until it is removed. Anonymous complaints cannot be dealt with.

**Please note allegations of a safeguarding nature against staff members cannot be dealt with through the complaints process.**

If you have spoken to the Class Teacher or Administrator and feel your concerns need formalising, you should do so using the following stages:

**Stage 1** is where a written complaint is considered by the Head of School or if the complaint is about the Head of School or member of staff it will be considered by the Executive Headteacher. If the complaint is about the Executive Headteacher it will be considered by the CEO. If the complaint is about the CEO it will be considered by a Trustee.

**Stage 2** is the where the complaint is escalated to the Executive Headteacher. If the complaint is about a Head of School it will be escalated to the CEO and if it's about the Executive Headteacher it will be escalated to a Trustee. Complaints about the CEO will be escalated to a Trustee panel.

**Stage 3** is where the complaint is referred to a complaints review panel, one of whom will be independent of the Trust and none of whom will have been involved in the complaint at stages 1 or 2. In the case of a complaint against the CEO the panel will be completely independent.

All staff are familiar with the guidelines and have a duty to help parents and interested parties needing advice. Please don't feel you are making a fuss. These procedures have been carefully compiled and their reference, however rare, is routine to help pupils, parents, carers, interested parties and the school.

### Summary

<b>Safeguarding</b> complaint against a member of staff	<b>Dealt with through a different process.</b> Please write to the Head of School in the first instance (or Executive Headteacher if the safeguarding concern is about the Head of School).		
	<b>Stage 1</b>	<b>Stage 2</b>	<b>Stage 3</b>
All general complaints	Head of School	Executive Headteacher	Independent panel
Complaints against a Staff member	Head of School	Executive Headteacher	Independent panel
Complaints against the Head of School	Executive Headteacher	CEO	Independent panel
Complaints against the Executive Headteacher	CEO	Trustee	Independent panel
Complaints against the CEO	Trustee	Trustee panel	Independent panel

# Complaints procedures

## Our procedures for dealing with concerns and complaints

### Concern – verbal communication with the school/Trust

1. Many concerns will be dealt with informally when you make them known to us. The first point of contact should be your child's teacher or the school office.
2. We will see you, or contact you by telephone, as soon as possible after your concern is made known to us. All members of staff know how to refer, if necessary, to the appropriate person with responsibility for particular issues raised by you. He or she will make a clear note of the details and will check later to make sure that the matter has been followed up.
3. We will ensure that you are clear what action or monitoring of the situation, if any, has been agreed. We will confirm this with you.
4. We will ensure that we speak directly to all appropriate persons who may be able to assist us with our enquiries into your concern.

### Stage 1 – Your written contact with the school

1. Normally, your written complaint should be addressed to the Head of School. If, however, your complaint concerns the Head of School personally, it should be sent to the school marked "For the attention of the Executive Headteacher". A formal complaint should explain what resolution is wanted by the complainant. **Please note complaints of a safeguarding nature cannot be dealt with through the complaints procedure.** If there are serious safeguarding concerns please put these in writing to the Head of School in the first instance or the Executive Headteacher if it regards the Head of School. If it regards the Executive Headteacher then please address safeguarding concerns to the CEO and if there are safeguarding concerns regarding the CEO please address these to the lead safeguarding Trustee or Chair of the Trust board.
2. Complaints should be succinct, in order for a satisfactory conclusion to be made and to ensure no important points have been missed. If a complaint is over two pages long, we will ask for a summary to be submitted instead. Please ensure that details of times, dates and people involved are included.
3. We will acknowledge your complaint in writing as soon as possible after receiving it. This will be within three working days.
4. We will enclose a copy of these procedures with the acknowledgement.
5. Normally we would expect to respond in full within **15 working days** but if this is not possible we will write to explain the reason for the delay and let you know when we hope to be able to provide a full response.
6. As part of our consideration of your complaint, we may invite you to a meeting to discuss the complaint and fill in any details required. If you wish, you can ask someone to accompany you to help you explain the reasons for your complaint.

7. The Trust representative may also be accompanied by a suitable person if they wish.

## **Stage 2 - Escalated consideration of your complaint**

This stage in our procedures escalates written complaints to the Executive Headteacher, CEO, Trustee or Independent panel (please see table on page 4). It applies where you are not happy with the local approach to dealing with your concern, as outlined under Stage 1 above.

1. If you are not satisfied with the result of the Stage 1 complaint, you may request that it is escalated to Stage 2, where the appropriate person/panel will investigate. Requests should be made within 5 school working days.
2. The investigator will talk to witnesses and take statements from others involved. If the complaint centres on a pupil, we will talk to the pupil concerned if appropriate. If it is appropriate the investigator will also talk to others present at the time of the incident in question.
3. If the complaint involves a pupil we will talk to the child with another staff member present if the pupil is comfortable with this unless this would delay the investigation of a serious or urgent complaint.
4. If the complaint is against a member of staff, it will be dealt with under the school's internal confidential procedures, as required by law.
5. The investigator will keep written/typed, signed and dated records of all meetings and telephone conversations, and other related documentation.
6. Once we have established all the relevant facts, we will send you a written response to your complaint. This will give a full explanation of their decision and the reasons for it. If follow-up action is needed, we will indicate what we are proposing to do. We may invite you to a meeting to discuss the outcome as part of our commitment to building and maintaining good relations with you.
7. If you are not satisfied with the result at the end of Stage 2 you may wish to proceed to Stage 3, as described below.

### Stage 3 - Consideration by an independent complaints review panel

- If your concern has already been through Stages 1 and 2 and you are not satisfied with the result **you may wish to proceed to stage 3 by requesting this in writing within 5 working school days.** We will set up a complaints review panel to consider it. This is a formal process, and your ultimate recourse at school level.
- The purpose of this arrangement is to give your complaint a hearing in front of an independent panel who have no prior knowledge of the details of the complaint and who can, therefore, consider it without prejudice.
- The aim of a complaints review panel is to resolve the complaint and to achieve reconciliation between the school and the parent/carer or other interested party. We recognise, however, that it may sometimes only be possible to establish facts and make recommendations which will reassure you that we have taken your complaint seriously.

The complaints review panel operates according to the following formal procedures:

1. The Clerk to the Trustees will aim to arrange for the panel meeting to take place within **20 working days.** The panel of 3 people will be drawn from Trustees and one person (acting as chair) who will be independent of the management and running of the Trust but has governance experience of hearing complaints and is available at the time of the hearing.
2. The Clerk will ask you whether you wish to provide any **further written documentation** in support of your complaint. You can include witness statements, or ask witnesses to give evidence in person, if you wish. You should say what actions you feel might resolve the problem. **Please note pupils can not be asked to be witnesses.**
3. The Head of School/ EHT/CEO will be asked to prepare a **written report** for the panel. Other members of staff directly involved in matters raised in your complaint will also be asked to prepare reports or statements.
4. The clerk will inform you, the member of staff, any relevant witnesses and members of the panel by letter, at least **five working days** in advance, of the date, time and place of the meeting. We hope that you will feel comfortable with the meeting taking place in the school; but we will do what we can to make alternative arrangements if you prefer.
5. With the letter, the Clerk will send you all relevant correspondence, reports and documentation about the complaint and ask whether you wish to submit **further written evidence** to the panel.
6. The letter will explain what will happen at the panel meeting and the Clerk will also inform you that **you are entitled to be accompanied** to the meeting. The choice of person to accompany you is your own, but it is usually best to involve someone in whom you have confidence but who is not directly connected with the school. They are there to give you support but also to witness the proceedings and to speak on your behalf if you wish. **We ask that you let us know who the person**

**accompanying you is prior to the meeting and in what capacity they are attending (e.g. parent/friend/neighbour).**

7. With the agreement of the Chair of the panel, the Head of School/EHT/CEO may invite **members of staff** directly involved in matters raised by you to attend the meeting,
8. The chair of the panel will bear in mind that the formal nature of the meeting can be intimidating for you and will do his or her best to **put you at your ease**.
9. As a general rule, no evidence or witnesses **previously undisclosed** should be introduced into the meeting by any of the participants. If either party wishes to do so, the meeting will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.
10. The Chair of the panel will ensure that the meeting is properly **minuted**. Please understand that any decision to share the minutes with you, the complainant, is a matter for the panel's discretion and you do not have an automatic right to see or receive a copy. Since such minutes usually name individuals, they are understandably of a sensitive and, therefore, confidential.
11. Normally, the written outcome of the panel meeting, which will be sent to you, should give you all the information you require. If, however, you feel that you would like to have a **copy of the minutes** it would be helpful if you could indicate this in advance. If the panel is happy for the minutes to be copied to you, the clerk can then be asked to maintain confidentiality in the minutes.
12. During the meeting, you can expect there to be opportunities for:
  - you to explain your complaint;
  - you to hear the school's response from the Head of School;
  - you to question the Head of School about the complaint;
  - you to be questioned by the Head of School about the complaint;
  - the panel members to be able to question you and the Head of School;
  - any party to have the right to call witnesses (subject to the chair's approval) and all parties to have the right to question all witnesses;
  - you and the Head of School to make a final statement.
13. In closing the meeting, the Chair will explain that the panel will now consider its decision and that written notice of the decision will be sent to the Head of School and yourself **within two weeks**. All participants other than the panel and the Clerk will then leave.
14. The panel will then consider the complaint and all the evidence presented in order to:
  - reach a unanimous, or at least a majority, decision on the complaint;
  - decide on the appropriate action to be taken to resolve the complaint;
  - recommend, where appropriate, to the Board of Trustees changes to the school's systems or procedures to ensure that similar problems do not happen again.
  - Advise that there is no case to answer.

15. The Clerk will send you and the Headteacher a written statement outlining the decision of the panel **within two weeks**. The letter will explain what further recourse, beyond the Board of Trustees, is available to you (if any).
16. We will keep a copy of all correspondence and notes on file in the school's records for six years but separate from pupils' personal records. A written record will be kept of all complaints made in accordance with sub-paragraph (e) along with details of whether they were resolved following a formal procedure, or progression to a panel hearing and actions that the Trust takes as a result of complaints (regardless of whether they are upheld).
17. A copy of the findings and recommendations will be provided, where relevant, to the person being complained about.
18. The findings and recommendations of the panel will be available on the school premises by the proprietor and the Headteacher.
19. Correspondence, statements and records relating to individual complaints are to 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.

## Other sources of information and advice

If your concern is about an aspect of **special educational needs and disability provision**, which might include information about relevant voluntary organisations and support groups in Essex, you might like to talk to the Essex **Parent Partnership** team on their helpline: **01245 436036**.

If you are not satisfied the way a complaint has been handled you may contact the EFSA via their [online form](#). The Complainant should be aware that the Education Funding Agency will not usually investigate the complaint itself, or interfere with the findings of the Complaint Panel, unless the decision made was manifestly unreasonable.

## Policy for managing serial and unreasonable complaints

The HEARTS Academy Trust is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will 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.

The HEARTS Academy Trust 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, 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 procedure
- insists on the complaint being dealt with in ways which 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 the 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 Department for Education
- 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 and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence

- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Whenever possible, the headteacher will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking. Any closures will be reported by the Headteacher to the Local Advisory Board.

If the behaviour continues, the headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact HEARTS schools causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

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 HEARTS schools.