



COMPLAINTS POLICY

Document Control

Description	By Whom	Date
Established	TM	18.11.14
Latest Review	WM	April 2019
Approved by Trustees	<i>Paula</i>	31/7/19
Next Full Review due		July 2021

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1. Introduction

- 1.1. The Harmony Trust has a strong moral purpose to do what is best for children and families which underpins our ethos. We aim to raise aspirations and attainment for all children, developing pupils with high self-esteem and responsibility. We are committed to the delivery of high quality education by excellent staff, in a caring, supportive learning environment. As there are many interactions in the daily life of our academies, from time to time something may go wrong resulting in someone wanting to make a complaint about the education or other services we provide or about the conduct of our staff.
- 1.2 The Trust takes very seriously any concern or complaint and we believe that by tackling concerns at the earliest possible stage it allows us to improve relationships, enhance learning, prevent issues escalating and reduce the number of formal complaints we receive.
- 1.3 We recognise the need to be clear about the difference between a concern and a complaint and dealing informally with concerns at the earliest stage reduces the numbers that develop into formal complaints.
- 1.4 The Department for Education (DfE) defines a **concern** as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”. The academy will resolve concerns through day to day communication as far as possible. A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.
- 1.5 If it is not possible to resolve a concern or complaint with a staff member or Principal we fully understand that the matter may need to be raised through the formal complaints procedure.
- 1.6 In accordance with part 7 of the schedule to the Education (Independent Schools Standards) Regulations 2014, academies must have and make available a written procedure to deal with all complaints relating to the academy. This document meets the requirements set out in the Regulations and is also based on the guidance published by the Education and Skills Funding Agency (ESFA). This policy will be available on the websites of our academies and on request at each academy.
- 1.7 This policy outlines the procedures relating to the handling of such complaints. The policy does not cover complaints that are dealt with under other procedures:
 - Admissions
 - Statutory assessments of special educational needs
 - Safeguarding matters
 - Delivery of the National Curriculum and the provision of religious education and collective worship
 - Exclusion of pupils

- Whistleblowing
- Staff grievances
- Staff discipline
- Complaints about services provided by other providers who use academy premises or facilities

1.8 Anonymous complaints will not normally be investigated. However, the Principal or Chief Executive will determine whether any such complaint warrants an investigation.

2. General Principles

- 2.1 The resolution of a complaint will provide the potential opportunity for the academy to improve its practice and develop further a strong partnership with parents.
- 2.2 The complaints procedure will be easily accessible and well publicised, so that parents know how to raise concerns.
- 2.3 It is desirable for any concern/complaint to be addressed by a member of staff/ Principal at a level closest to the cause for the concern.
- 2.4 Procedures will be as speedy as possible, consistent with fairness to all.
- 2.5 All complainants will be treated with respect and all complaints will be dealt with impartially and in a non-adversarial manner.
- 2.6 A complaint is distinct from any formal disciplinary procedure. Staff who may be questioned as part of a complaint's procedure will be treated fairly and have an opportunity to put their case. They will be offered support in responding to any investigation into a complaint.
- 2.7 A full and fair investigation will be undertaken by a person who has not been directly involved in the matter.
- 2.8 If it becomes apparent to the Principal or Chief Executive that the parent's concern/complaint has the potential to be a disciplinary issue, professional advice will be immediately sought. Advice is also available from the Education and Skills Funding Agency.
- 2.9 Confidentiality is important in securing the confidence of all concerned. Conversations and correspondence will be treated with discretion. Parents need to feel confident that a complaint will not disadvantage their child. However, the parties to a complaint should realise that some information may have to be shared to carry out a thorough investigation.

- 2.10 If the investigation of a complaint shows that it is justified, then the academy will consider how to make amends in an appropriate way; and use the outcomes to reflect on the services provided by the academy/Trust to ascertain if they can be improved.
- 2.11 All complaints will be recorded and monitored to identify issues and allow any lessons to be learned by the academy/Trust.
- 2.12 Every complaint will be acknowledged as "genuinely felt" by the complainant.

3. Procedure - Stage 1 – Initial Informal Approach - Guidelines

- 3.1 The vast majority of concerns and complaints can be resolved informally, often straight away by the class teacher or Principal.
- 3.2 The academy aims to ensure that parents feel able to raise concerns with staff without undue formality, either in person, by telephone or in writing. There may be occasions when it is appropriate or helpful for someone to accompany or act on behalf of a parent.
- 3.3 Parents may not be clear at first that they are making a complaint. They may wish to ask a question or express an opinion. A preliminary discussion with academy staff will usually clarify the issue and help parents to decide whether they wish to take the matter further.
- 3.4 Parents should have an opportunity for informal discussion of their concerns with an appropriate member of staff. This discussion should aim to clarify the nature of the parent's concern and assure them that the academy wishes to hear about it. The discussion should also aim to clarify what kind of outcome the parent is seeking.
- 3.5 If the member of staff first contacted cannot deal with the matter immediately, she/he will make a firm arrangement to deal with it at a future date or refer the matter to the Principal or another appropriate member of staff. In either case a note of the name, date and contact details of the complainant will be taken. The first contact should check to make sure the referral has been successful.
- 3.6 Staff should seek advice from their line manager if they are unsure of how to deal with the matter raised. Any matter that could potentially result in the following should be referred immediately to the Principal or Head of Academy (in their absence another member of SLT) - legal or insurance claim, action under the staff disciplinary procedures, child protection matters, complaints relating to employment practice.

- 3.7 If the concern relates to the Principal and the parent feels unable to raise it with the Principal they should be advised to contact the Chief Executive of the Trust through his office.
- 3.8 The staff member/Principal or SLT member dealing with the complaint should make sure that the complainant is clear about what will happen next (if anything). This should be put in writing if it seems the best way of making the next steps or outcome clear.
- 3.9 If no satisfactory solution has been found, the complainant will be informed about how they should proceed if they wish to take their complaint further. They will be informed of any advice and support that may be available to them.

4. Procedure - Stage 2 - Formal Complaint to Principal or Chief Executive- Guidelines

- 4.1 The Principal, Head of Academy or Senior leader in his/her absence, needs to determine who has responsibility for responding to a formal complaint, including the decision about his/her own involvement at various stages.
- 4.2 If the complainant is dissatisfied with the action of the Principal, or the Principal has been very closely involved informally, the Chief Executive, or his representative should carry out all the Stage 2 procedures, with support if necessary, from another member of the Trust Leadership Team, and with professional advice if necessary. Advice is also available from the ESFA.
- 4.3 Individuals on the Board of Trustees should not become involved at this stage to avoid prejudicing their possible future involvement.
- 4.4 Parents who wish to pursue a formal complaint at Stage 2 should be asked to put the complaint and their desired outcome in writing to the Chief Executive or Principal (a Formal Complaint Form is attached at Section 13 - Annex C). The Chief Executive/Principal (or designated member of staff) will acknowledge the complaint orally or in writing within three days of receipt giving a brief explanation of the complaint's procedures and a target date for providing a response. Ideally, this will be within ten days. If it is not possible to deal with the matter in this time, the complainant will be informed of when it is likely to be concluded.
- 4.5 The Chief Executive/Principal (or a designated member of staff) may offer an opportunity for the complainant to meet him/her. The complainant should, if she/he wishes, be allowed to be accompanied by a friend or relative who can speak on his/her behalf. Interpreting facilities will be made available if required.
- 4.6 If necessary, the Chief Executive/Principal (or a designated member of staff) will interview any witnesses and take statements from those involved. If the complaint

concerns a pupil, the pupil will also be interviewed, normally with parent/guardian present. In some circumstances this may not be possible or appropriate and a senior member of staff with whom the student feels comfortable will attend with him/her. If a member of staff is complained against, the needs of that person will be borne in mind. Advice may need to be sought from professionals or from the ESFA.

- 4.7 The Chief Executive/Principal (or designated member of staff) will keep written records of meetings, telephone conversations and other documentation.
- 4.8 Once all the relevant facts have been established, the Chief Executive/Principal (or designated member of staff) will either write to the complainant or arrange a meeting to discuss or resolve the matter. This meeting will be followed up with a letter summarising the outcome of the meeting. The complainant will be advised in this letter that if they remain unhappy with the outcome, she/he may appeal to an independent panel. If the complainant wishes to make an appeal she/he should inform the Chair of Trustees or the Clerk to the Board of Trustees in writing within two weeks of receiving the outcome letter.
- 4.9 The appeal letter from the complainant should set out the details of the complaint and specify what outcome and/or actions she/he feel would resolve the complaint, and in what ways the previous stage of the procedure has not addressed their complaint sufficiently.

5. Complaints against the Principal, Chief Executive or a Member of the Board of Trustees.

- 5.1 Complaints made against the Principal or Chief Executive should be directed to the Chair of Trustees.
- 5.2 Where a complaint is against the Chair of Trustees or any member of the Board of Trustees, it should be made in writing to the Clerk to the Board of Trustees in the first instance.

6. Stage 3 – Appeal to an Independent Panel – Guidelines

- 6.1 Complaints only rarely reach this stage of the appeal process.
- 6.2 The aim of the appeal to a panel is to resolve the complaint and achieve reconciliation between the academy and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action, and to satisfy the complainant that their complaint has been taken seriously.
- 6.3 It is important, should a complaint reach the appeal stage that the panel is impartial and independent and is seen to be so. The Chair of Trustees will, therefore, establish a panel to deal with complaints with independent members not involved with the

management or running of the academy.

At this stage, the Chair of the Panel may wish to seek advice from professional personnel and/or the ESFA.

- 6.4 Complaints that reach the appeal stage will do so because the complainant is not satisfied with the response so far. In this situation it is perhaps helpful for the panel to view any complaint as being against the academy rather than an individual staff member whose actions may have led to the original complaint.
- 6.5 Complainants that are not satisfied with the way in which their complaint has been handled by the academy, will be made aware of the ESFA's complaints system.
- 6.6 The ESFA complaints system can be found at the following Government web page - www.gov.uk/complain-about-an-academy

7. Stage 3 – Independent Panel Procedure

- 7.1 Upon receipt of a written request from the complainant for the complaint to proceed to Stage 3, the following procedure will be followed. A suitable clerk to the panel will be appointed.
- 7.2 The clerk will write acknowledging receipt of the written request, informing the complainant that an independent panel will hear it within 15 working days of receipt.
- 7.3 The clerk will convene a meeting of the panel at a time that is convenient for the complainant and the academy.
- 7.4 The clerk will ensure that the complainant, Principal (or designated member of staff) and any other witnesses are given at least five working days' notice in writing of the date, time and place of the hearing or otherwise are in full agreement of a shorter timescale. The letter of notification to the complainant will also inform him/her of their right to be accompanied by a friend/relative who can act as an advocate. The chair will ensure that interpretation facilities for the hearing are offered and made available if required. The letter will set out the procedure for the conduct of the hearing (see Section 11 - annex A) and the complainant's right to submit further written evidence to the panel.
- 7.5 The clerk should invite the Principal (or designated member of staff) to attend the hearing and to submit a written report for the panel in response to the complaint. The Principal (or designated member of staff) may also invite the Chief Executive or any other members of staff directly involved in matters raised by the complainant to respond in writing and/or in person to the complaint. Any involvement of other staff should be at the discretion of the chair of the panel.

- 7.6 All relevant documents should be received by all parties, (including the complainant) at least five days before the meeting of the panel. This provides adequate opportunity to read them prior to the start of the meeting.
- 7.7 An officer from the ESFA and/or a professional advisor may be invited to attend the meeting to advise the panel.
- 7.8 The panel will elect a chairperson who will ensure that proper minutes of the meeting are taken. At this stage, the chair of the panel may also wish to seek advice from professional personnel and/or the ESFA.
- 7.9 The chair of the panel will try to ensure that the proceedings are sufficiently informal as possible and that the complainant and other participants feel at ease.
- 7.10 At the conclusion of the representations and questions, the chair will explain that the panel will consider the issues and write to both parties.
- 7.11 All except for the panel and any advisers will then withdraw and the panel will consider the evidence. This should include: a judgement about the validity of the complaint; appropriate action to be taken by the academy and/or the parent; and where appropriate, recommendations on changes to the academy's systems or procedures to ensure similar problems do not arise in the future.
- 7.12 The academy will ensure that a copy of all correspondence and notes are kept confidentially on file in the academy. This will be separate from pupil's personal records.
- 7.13 The broad outcomes recommended by the panel can be reported to the next Board of Trustees with the identity of all those taking part kept confidential. The Trust Leadership Team will monitor implementation of the recommendations.

8. Referring Complaints on Completion of the Academy's Procedure

- 8.1 If the complainant is not satisfied with the outcome of the academy'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 academy. The ESFA will not overturn the academy's decision but it will look into:
- Whether there was undue delay, or the academy did not comply with its own complaints procedure
 - Whether the academy was in breach of its funding agreement with the Secretary of State
 - Whether the academy has failed to comply with any other legal obligations

- 8.2 If the academy did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the academy's complaints procedure is found to not meet regulations, the academy will be asked to correct its procedure accordingly.
- 8.3 More information on how to refer a complaint to the ESFA and how complaints are handled can be found on the Government web page – (see Section 6 - paragraph 6.6).

9. Persistent Complaints

- 9.1 Where a complainant tries to re-open the issue with the academy after the complaint's procedure has been fully exhausted and the academy has done everything it reasonably can in response to the complaint, the chair of trustees (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.
- 9.2 If the complainant subsequently contacts the academy again about the same issue, the academy can choose not to respond. The normal circumstance in which we will not respond is if:
- The academy has taken every reasonable step to address the complainant's needs, and
 - The complainant has been given a clear statement of the academy's position and their options (if any), *and*
 - The complainant is contacting the academy repeatedly but making substantially the same points each time
- However, this list is not intended to be exhaustive.
- 9.3 The academy will be most likely to choose not to respond if:
- We have reason to believe the individual is contacting the academy with the intention of causing disruption or inconvenience, and/or
 - The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
 - The individual makes insulting personal comments about, or threats towards academy staff
- 9.4 Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.
- 9.5 Once the academy has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

- 9.6 The academy will ensure when making this decision that complainants making any new complaint are heard, and that the academy acts reasonably.

10. Complaints made directly to OFSTED, DFE, Local Authority (or other external bodies)

We urge any concern or complaint to come through the academy in the first instance. On occasion, a complaint is made directly to OFSTED and is reported to us via the Local authority. In such cases, we will investigate the complaint as per our complaints policy (or safeguarding policy where it is a safeguarding allegation against a member of staff). The Trust central team will be made aware of the complaint but the investigation will, in usual circumstances be undertaken by the academy senior leadership.

11. Links with other Policies

Policies dealing with other forms of complaints include:

- Safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report

12. Data Protection Statement

The procedures and practice created by this policy have been reviewed in the light of our Data Protection Policy. All data will be handled in accordance with the school's Data Protection Policy.

Data Audit For This Policy					
What ?	Probable Content	Why ?	Who ?	Where ?	When ?
Complaints policy	Name, address, personal information related to the complaint,	Required to be retained as part of complaints process	Principal / SLT, Trust central team, staff or other representative as required as part of the complaints process	Kept on file at academy (and Trust central where appropriate)	Held on file until child leaves school.

As such, our assessment is that this policy :

Has Few / No Data Compliance Requirements	Has A Moderate Level of Data Compliance Requirements	Has a High Level Of Data Compliance Requirements
	✓	

13. ANNEX A - Model Procedure for the Conduct of a Stage 3 Independent Panel Hearing

- The chair of the panel should invite all parties (except any witnesses) into the room, introduce them and explain the role of each person.
- The chair should explain to all present that the purpose of the hearing is to review the complaint and try to resolve it and achieve reconciliation between the academy and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action.
- The chair should then ascertain whether the proposed procedure is acceptable. If so, the meeting will proceed along the following lines:
 - i. The complainant describes her/his complaint and may call witnesses.
 - ii. The Principal may seek clarification from the complainant and any witnesses.
 - iii. The panel or its advisers may seek clarification from the complainant and any witnesses.
 - iv. The Principal will respond to the complaint and may call witnesses.
 - v. The complainant may seek clarification from the Principal and any witnesses.
 - vi. The panel (including any Advisers) may seek clarification from the Principal and any witnesses.
 - vii. The Principal will be given the opportunity to sum up.
 - viii. The complainant will be given the opportunity to sum up.
 - ix. Both parties will leave the room to allow the panel to deliberate but any advisers may remain to offer technical and procedural advice.
- The panel should make a decision or judgement on the validity of the complaint; appropriate action to be taken by the academy and/or parent; and where appropriate, recommendations on changes to the academy's systems or procedures to ensure similar problems do not arise in the future.
- The decision or judgement will be confirmed in writing within 5 days.

NB - If there is more than one complainant this procedure should be followed for each one in turn, unless the complainants agree to the complaint being heard as part of a related group of complaints.

14. ANNEX B - Dealing with Complaints about Racism in Schools

Racist Behaviour to a Child or Student

- The procedures to be followed are stipulated in the guidance on reporting bullying as identified by the nine characteristics of the Equality Act 2010.

Racist Incident Alleged Against Academy Staff

- The report/complaint should be made to the Principal, or if the Principal is the subject of the report/complaint, to the Chief Executive of the Trust.
- As racism is a disciplinary offence, the normal disciplinary procedures are followed.

Institutional Racism

- Parents who perceive that racist practice or policies are operated by the academy should pursue these through the General Complaints Procedure.

15. ANNEX C – Formal Complaint Form – (attached at pages 15 to 17).

Annex C – Harmony Trust – Formal Complaint

Name of Academy	
Your name	
Pupil's name	
Your relationship to pupil	
Your address and postcode	
Your daytime telephone number	
Your evening telephone number	
Your email address	

Please give details of your complaint, including whether you have spoken to anybody at the academy about it.

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

Are you attaching any paperwork? If so, give details here

Your signature	
Date	

All functions of the complaint's procedure must adhere to the requirements of the Data Protection Act 1988, the General Data Protection Regulations (GDPR) 2018 and the Freedom of Information Act 2000.

**Please complete and return to the academy office in a sealed envelope addressed to the
Principal**

Academy Office use –

Date Received.....

Date acknowledgement of complaint sent

.....

By who.....

Complaint referred to:

.....

Date.....

Principal/Chief Executive/Chair of Trustees

.....

16. ANNEX D – Concerns and complaints procedure

1. Are you dealing with a concern or a complaint?

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

