

HAMMERSMITH ACADEMY

COMPLAINTS POLICY

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HAMMERSMITH ACADEMY

COMPLAINTS POLICY

Contents

1. Introduction, Scope & Timescales	2
2. Complaints Procedure	4
3. Referring complaints on completion of the Academy's procedure	11
4. Managing serial and unreasonable complaints	14
5. Monitoring, evaluation and review	16
6. Record keeping	16
7. Determining improvements	17

1. Introduction, Scope & Timescales

Hammersmith Academy Trust ("the Academy") must meet its statutory obligations when responding to complaints from parents and other parties. The Academy is committed to taking concerns seriously. Concerns and complaints are best resolved by informal means wherever possible. Where this is not possible, the formal complaints procedure will be followed.

In following the procedure, the Academy will aim to:

- Be impartial and non-adversarial
- Address all the points at issue and provide an effective and prompt response
- Respect confidentiality
- Treat everyone involved with respect and courtesy
- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into academy improvement processes.

The Academy will give the complainant the opportunity to complete the complaints procedure in full. The policy will be available to all parties on the Academy website.

This policy should be used in conjunction with the Department for Education (DfE) Guidance (Best Practice Advice for School Complaints Procedures 2016) and alongside the Academy's home/academy Agreement. It sets out our policy and procedures in resolving complaints through our obligations and duties in relation to Section 29 of the Education Act 2002.

The Headteacher is responsible for the operation and management of the complaints procedure. In the event that the complaint is against the Headteacher, then the Chair of Governors will be responsible for the management of the procedure.

The difference between a concern and a complaint

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 generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

Who can make a complaint?

Any person, including members of the general public, may make a complaint about any provision of facilities or services that the Academy provides, unless separate statutory procedures apply (such as exclusions or admissions). The ability to raise a complaint is not limited to parents or carers of children that are registered at the Academy.

This policy also applies to all employees of the Academy.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Scope

This policy does **not** cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters

- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline.

Please see our separate policies for procedures relating to these types of complaint.

Time scales

The complainant must raise a concern or complaint within 3 months of the incident. If the concern or complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

Within this policy there are other time frames for complainants who wish to take the matter to the next stage of the procedure. Requests received outside of these time frames will only be considered if exceptional circumstances apply.

2. Complaints Procedure

This policy is available publicly on the Academy's website and can also be requested in other forms from the Academy. The Academy's policy has four main stages.

- **Stage 1** – A concern is raised informally with an appropriate member of staff. If the matter is not resolved, then it goes to
- **Stage 2** – The Academy receives a formal written complaint addressed to the Complaints Officer which will be considered by a senior member of staff. If the matter is not resolved, then the complaint goes to
- **Stage 3** – The Headteacher hears the details of the complaint and arranges a further investigation. If the matter is still not resolved, then the complaint goes to

- **Stage 4** - The Governing Body's Complaints' Appeal Panel for a formal hearing of the complaint. This is usually chaired by the Chair of Governors.

If the complaint is about the **Headteacher**, the stages are:

- **Stage 1** – A concern is raised informally with the Headteacher. If the matter is not resolved, then it goes to
- **Stage 2** – The Academy receives a formal written complaint addressed to the Chair of Governors and sent via the Complaints Officer marked "Confidential".
- **Stage 3** – The Chair of Governors hears the detail of the complaint and arranges a further investigation. If the matter is still not resolved, then the complaint goes to
- **Stage 4** – The Governing Body's Complaints Appeal Panel for a formal hearing of the complaint. The Chair of Governors plays no part in this process.

If the complaint is about a **member** of the **Governing Body** (including the Chair or Vice-Chair), the stages are:

- **Stage 1** – A concern is raised informally with the Headteacher. If the matter is not resolved, then it goes to
- **Stage 2** – The Academy receives a formal written complaint addressed to the Clerk to the Governors marked "Confidential", via the Academy office. The complaint will be considered by an independent investigator appointed by the Governing Body. At the conclusion of their investigation, the independent investigator will provide a formal written response. However, if the complaint is:
 - jointly about the Chair and Vice-Chair, or
 - the entire Governing Body, or
 - the majority of the Governing Body

then an Independent Complaints Committee will be appointed by the Clerk to the Governors. The panel will consist of a Governor to chair the panel, one other member of the Governing Body as a Nominated Governor, and one person who is not a member of the Governing Body and who is independent of the running and management of the Academy. The Academy is responsible for identifying a suitable individual to fulfil this role. If the matter is still not resolved, then the complaint goes straight to

- **Stage 4** - A completely Independent Committee Panel and complainants should send their written complaint to the Clerk to the Governing Body, marked "Confidential", within 5 academy days of receipt of the Stage 3 response. The Clerk will manage the process.

2.1 Stage 1 – Informal process for resolving concern

Concerns can be raised with the Academy at any time and will often generate an immediate response, which will resolve the concern. Apart from the Academy's normal parental consultation evenings, or other arranged meetings with specific staff, the Academy requests that concerns should be raised with either the form tutor, class teacher or designated member of staff. On some occasions, the concern raised may require investigation, or discussion with others, in which case there will be an informal but informed response within 5 academy days of the concern being raised. It is anticipated that the vast majority of concerns will be satisfactorily dealt with in this way.

If the issue remains unresolved, the next step is to make a formal complaint.

2.2 Stage 2 – Formal complaint process: Senior member of staff

Formal complaints should usually be put in writing (preferably on the Complaint Form – Appendix 6) and sent to the Complaints Officer via the Academy Office within 5 academy days of receipt of the Stage 1 response. The complaint will be logged, including the date it was received and passed to a senior member of staff. The Academy will normally acknowledge receipt of the complaint in writing within 24 hours of receipt.

The senior member of staff, will investigate, and may delegate the investigation to an appropriate person. The investigation may include a face to face meeting. At the conclusion

of any investigation, the senior member of staff will provide a written response within 10 academy days of the date of receipt of the complaint.

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 Academy will take to resolve the complaint.

The senior member of staff will advise the complainant how to escalate the complaint should the complainant remain dissatisfied with the outcome of Stage 2.

2.3 Stage 3 – Formal complaint process: Headteacher

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 for further investigation by the Headteacher (unless the complaint is about the Headteacher).

A request to escalate to Stage 3 should usually be put in writing and sent to the Academy Office, addressed to the Headteacher, within 5 academy days of receipt of the Stage 2 response, asking for the matter to be considered by the Headteacher. The complaint will be logged, including the date it was received, and passed to the Headteacher for investigation. The Academy will normally acknowledge receipt of the complaint within 24 hours of receipt.

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

During the investigation, the Head teacher 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 the investigation.

At the conclusion of the investigation, the Headteacher will provide a formal written response within 10 academy days of the date of receipt of the complaint.

If the Headteacher is unable to meet this deadline, he 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 Academy will take to resolve the complaint.

The Headteacher will advise the complainant how to escalate their complaint should they remain dissatisfied with the outcome of Stage 3.

2.4 Stage 4 – Governors’ Complaints Appeal Panel Hearing

If the complainant is dissatisfied with the outcome at Stage 3 and wishes to take the matter further, they can escalate the complaint to Stage 4 – a Governors’ Complaints Appeal Panel hearing. This is the final stage of the complaints procedure.

- **Panel composition:**

Unless it is a complaint regarding the Headteacher, the panel will be appointed by the Chair of Governors.

The panel will consist of at least three people who were not directly involved in the matters detailed in the complaint with one panel member who is independent of the management and running of the academy. It will include a Governor to chair the panel, one other member of the Governing Body as a Nominated Governor, and one person who is not a member of the Governing Body and who is independent of the running and management of the Academy. The Academy is responsible for identifying a suitable individual to fulfil this role. The Chair of Governors does not play a role in the panel unless they have not had a role in managing the complaint.

- **Stage 4 process (unless the complaint is about the Headteacher or the Governing Body)**

Complainants should send their written request to escalate to Stage 4 to the Clerk to the Governing Body, via the Academy Office, within 5 academy days of receipt of the Stage 3 response, asking for the matter to be considered by a Governors' Complaints Appeal Panel.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 24 hours of receipt.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 10 academy days of receipt of the Stage 4 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk 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.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if an academy employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Representatives from the media are not permitted to attend.

- **Stage 4 Process if the complaint is about the Headteacher:**

If the complaint is about the Headteacher, complainants should send their written complaint to the Clerk to the Governing Body, marked "Confidential", within 5 days of receipt of the Stage 3 response, asking for the matter to be considered by the Governors' Complaints

Appeal Panel. The hearing will normally take place within 10 academy days of the receipt of the written request for Stage 4 investigation.

In this situation, the panel will be coordinated by the Clerk to Governing Body in conjunction with the Vice-Chair of Governors. The panel will consist of a Governor to chair the panel, one other member of the Governing Body as a Nominated Governor, and one person who is not a member of the Governing Body and who is independent of the running and management of the Academy. The Academy is responsible for identifying a suitable individual to fulfil this role.

- **Stage 4 Process if the complaint is about the Governing Body:**

If the complaint is

- jointly about the Chair and Vice Chair or
- the entire Governing Body or
- the majority of the Governing Body

Stage 4 will be heard by a completely Independent Committee Panel and complainants should send their written complaint to the Clerk to the Governing Body, marked “Confidential”, within 5 academy days of receipt of the Stage 3 response. The Clerk will manage the process.

- **Outcome of the Complaints Appeal Panel hearing**

The panel will consider the complaint and all the evidence presented. The panel can:

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

If the complaint is upheld in whole or in part, the panel will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the Academy’s systems or procedures to prevent similar issues in the future.

The Chair of the panel will provide the complainant, and the Academy with a full explanation of their decision, and the reason(s) for it, in writing, within 5 academy 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 has been handled by the Academy.

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 Academy 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 on the Academy premises by the complainant and the Headteacher.

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

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 Governing Body's Complaints Appeal Panel hearing is the last school-based stage of the complaints' process.

3. Referring complaints on completion of the Academy's procedure

If the complainant is dissatisfied with the outcome of the Academy's complaints procedure, they can refer their complaint to the Education and Skills Funding Agency (ESFA). The ESFA will check whether the complaint has been dealt with properly by the Academy.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the Academy. They will consider whether the Academy has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).

The complainant can refer their complaint to the ESFA online at: 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

The Academy will include this information in the outcome letter to complainants.

Stage 1 – Informal Concern Stage

Stage One:

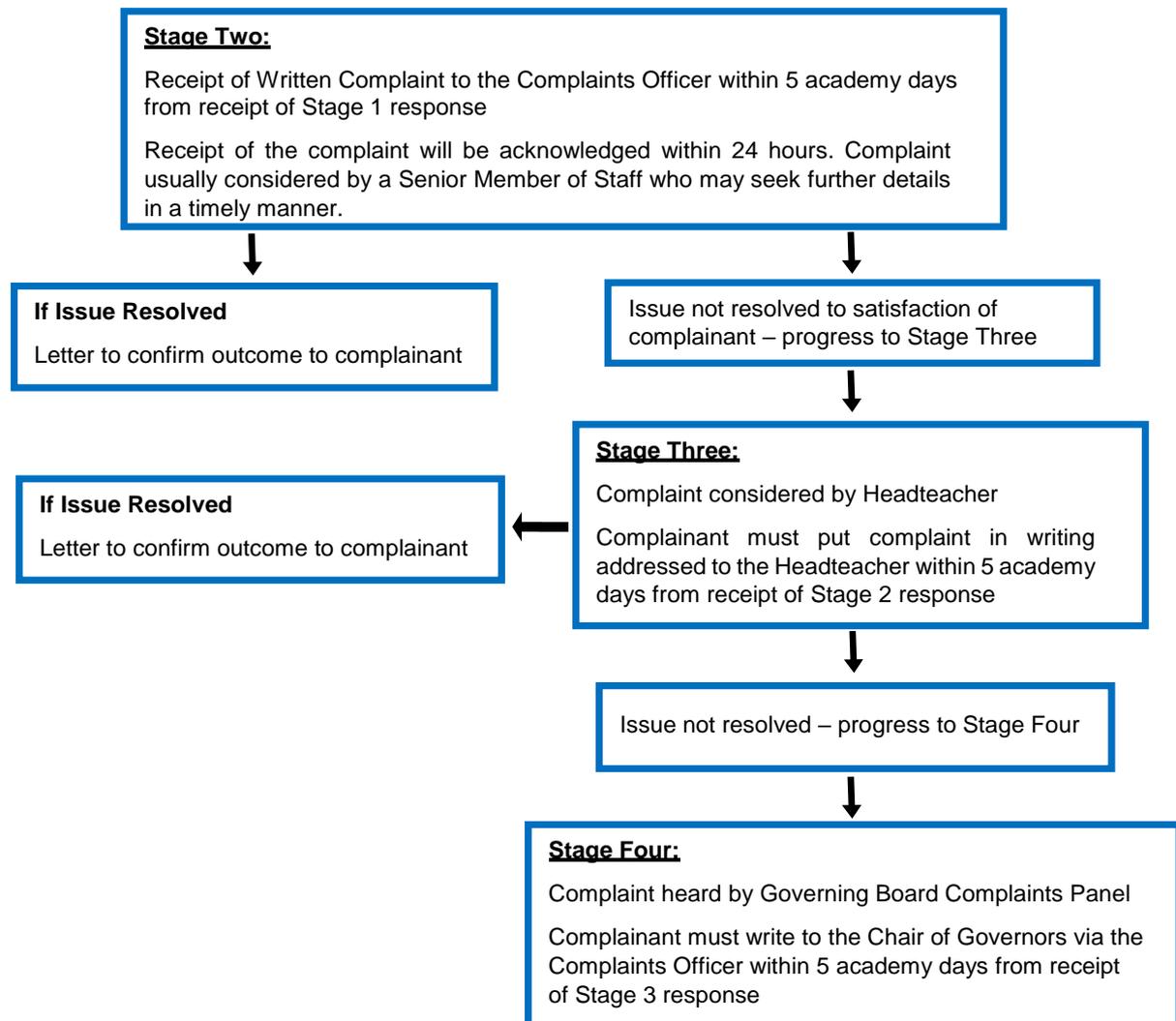
Informal concern – meeting with teacher or form tutor to discuss issues – solutions discussed with implementation and strategies considered and agreed.

If agreement is not reached then the formal procedure can begin with a written complaint.

Stages 2 – 4 - Formal Complaints Procedure

The Academy will pursue the resolution of all concerns informally. On occasions where this cannot be achieved the complaints procedure can be invoked.

Stages for the formal Complaints Procedure are as follows:



All complaints are documented in a log held by the Concerns and Complaints Officer. A written confirmation of the discussions held and the resultant outcome will be made to the person expressing a complaint within 5 school days from completion of the relevant stage

4. Managing serial and unreasonable complaints

The Academy is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. However, we do not expect our staff to tolerate unreasonable behaviour and will take action to protect staff from that behaviour.

Unreasonable behaviour by the complainant might include:

- refusing to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint
- refusing to co-operate with the complaints investigation process
- refusing to accept that certain issues are not within the scope of the complaints procedure or seeking unrealistic outcomes
- introducing trivial or irrelevant information and expecting it to be commented on
- raising large numbers of detailed but unimportant questions, and insisting they are fully answered
- making unjustified complaints about staff who are trying to deal with the issues
- changing the basis of the complaint as the investigation proceeds
- repeatedly making the same complaint /refusing to accept the findings of the investigation into that complaint where the academy's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- making excessive demands on academy time by frequent, lengthy and complicated contact with staff regarding the complaint while the complaint is being dealt with
 - using abusive, offensive or discriminatory language or making threats
 - knowingly providing false information
 - publishing unacceptable information on social media or other public forums.

4.1 Steps to manage unreasonable behaviour

Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

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 the Academy 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.

4.2 Discontinuing communication

The Academy may stop responding to the complainant when these factors are met:

- Reasonable steps have been taken to address the complainant's concerns
- The Academy has written to the complainant about unreasonable behaviour and the behaviour continues and/or the complainant continues to unreasonably contact the Academy to the extent that the Headteacher reasonably believes their intention is to cause disruption or inconvenience.

The Academy will notify the individual that no further responses to the complaint will be made, giving reasons and providing information about the complainant's options.

In response to any serious incident of aggression or violence, the Headteacher will immediately inform the police and communicate the actions taken in writing. This may include barring an individual from the Academy.

4.3 Duplicate complaints

If a complaint has been resolved and a duplicate complaint on the same subject from a partner, family member or other individual, is received, then the Headteacher will assess whether there are aspects that had not previously been considered, or any new information that needs to be taken into account.

If the Headteacher is satisfied that there are no new aspects, then he will:

- Tell the new complainant that the issue had already been investigated and responded to, and the local process completed
- Direct them to the ESFA if they are dissatisfied with the original handling of the complaint.

4.4 Complaint campaigns

Where the Academy receives a large volume of complaints about the same topic or subject, the Academy may respond to these complaints by:

- Publishing a single response on the Academy website
- Sending a template response to all of the complainants.

If complainants are not satisfied with the Academy's response, or wish to pursue the complaint further, the normal procedures will apply.

5. Monitoring, evaluation and review

The Governing Body and Academy will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. The Headteacher will make the Chair of Governors aware of any concerns or complaints raised through their regular meetings. They will also include a summary of all recorded complaints in their Headteacher's Report to Governors.

6. Record keeping

The Academy will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the Secretary of State (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during an academy inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law and the Academy's privacy notices.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.

Where the Governing Body is aware of the substance of the complaint before the Complaints Appeal Panel stage, the Academy will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the Governing Body, who will not unreasonably withhold consent.

7. Determining improvements

The Academy will review any underlying issues raised by complaints with the Headteacher where appropriate, and respecting confidentiality, determine whether there are any improvements that the Academy can make to its procedures or practice to help prevent similar events in the future.

Appendix 1:

Roles and Responsibilities

The Role of the Clerk

The Clerk is the contact point for the complaints at Stage 4 and 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 Nominated Governor

The Nominated Governor role is as follows:

- to check that the correct procedure has been, and is being, followed;
- to review the information presented by the person making the complaint, and the Academy, in an independent and fair-minded manner

The Role of the Chair of the Panel

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

- the Clerk is asked to convene the panel
- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the problems or concerns are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing 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 problem or concern arises it would be useful to give all parties the opportunity to consider and comment on it.

The Role of the independent member of the Panel

The independent member role is as follows:

- to check that the correct procedure has been, and is being, followed.

Appendix 2

Compensation

The Academy will not pay financial compensation as a response to complaints, though may spend money on a relevant educational purpose (eg paying a fee for a repeat examination).

Appendix 3

What happens at a Complaints Appeal Panel hearing?

The Complaints Appeal Panel meeting will allow for:

- i. The person complaining to explain his or her complaint and the Headteacher to explain the reasons for his decision;
- ii. The Headteacher to question the complainant about the complaint and the complainant to question the Headteacher;
- iii. Panel members to have an opportunity to question both the complainant and the Headteacher;
- iv. Any party to have the right to bring witnesses (subject to the approval of the Chair of the Panel) and all parties having the right to question all the witnesses.

- v. Final statements by the Headteacher and complainant.
- vi. The Chair of the Panel should explain to the parent and the Headteacher that the Committee will consider its decision, and a written response will be sent to both parties as soon as possible. The complainant, Headteacher and any witnesses will then leave.
- vii. The Panel will consider the complaint and all the evidence presented, and reach a unanimous, or at least a majority, decision on the complaint.

Appendix 4

Guidance for the Stage 4 - Complaints Appeal Panel

There are several points which any Complaints Appeal Panel member needs to remember:

- a)** It is important that the appeal hearing is independent and impartial and that it is seen to be so. No one may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, Governors need to try and ensure that it is sensitive to the diversity of the Academy's pupils including race and ethnicity, gender and religious affiliation.
- 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 academy and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing 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.
- c)** 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

- d) 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 hearing, if any, the child needs to attend.

- e) Panel members need to be aware of the Complaints Policy and Procedure.

Appendix 5

Safeguarding children

Any complaint brought to the attention of the Headteacher that suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual interference or neglect may be referred without further notice to Hammersmith and Fulham Social Services and/or the social services authority for the area in which the child lives. If a social services authority decides to investigate a situation this may postpone or supersede investigation by the Headteacher or Governing Body.

Appendix 6:

Complaint Form

Please complete and return to the academy addressed to the Headteacher, who will acknowledge receipt and explain what action will be taken.

Your Name	
Pupil's name	
Your relationship to the pupil	
Address	
Postcode	
Home Telephone No	
Mobile Telephone No	
Email	
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)?	

<p>What actions do you feel might resolve the problem at this stage?</p>	
<p>Are you attaching any paperwork? If so, please give details.</p>	
<p>Signature</p>	
<p>Date</p>	
<p>Official Use</p>	
<p>Date acknowledgement sent</p>	
<p>By who</p>	
<p>Complaint referred to</p>	
<p>Date</p>	