

# **Hummersknott Academy Trust**



## **13.1 - Complaints Procedure**

**Adopted Date: March 2020**  
**Review Date: February 2023**

## **COMPLAINTS PROCEDURE**

### **STAGE ONE: Concern dealt with informally by Staff Member**

Where a concern is received by a member of staff they will:

- Contact the person who has raised the concern as soon as possible and within two Academy working days of receipt
- Try to reach a positive outcome, but, where this is not possible, indicate to the complainant that they have the right to escalate the matter to the next stage by writing to the Principal/Headteacher

The Trust respects the views of a complainant who indicates that she/he would have difficulty discussing a concern with a particular member of staff. In these cases, the concern will be referred to another staff member. Where the concern relates to the Principal/Headteacher, it will be referred to the Chair of Governors who will make arrangements for a minimum of two members of the local governing body to meet with the complainant to consider the concern informally. The outcome of this meeting will be verbally discussed with the complainant. If the complainant is dissatisfied with the outcome of this meeting, she/he must contact the Clerk to the Directors and Governors within 10 Academy working days of the informal outcome meeting, to escalate the concern to a complaint. This complaint would proceed to stage three where it would be heard by a panel that had had no involvement in the initial concern.

Similarly, if the member of staff directly involved feels too compromised to deal with a concern, the Principal/Headteacher may consider referring the complainant to the member of staff's Line Manager or a member of the Leadership Team. The ability to consider the concern objectively and impartially is crucial.

Where the first approach is made to a Governor, the next step would be to refer the complainant to the Principal/Headteacher and advise the complainant about the procedure. Governors must not act unilaterally on an individual concern outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage.

### **STAGE TWO: Complaint considered by Principal/Headteacher**

If written correspondence is received from the complainant detailing their dissatisfaction with the stage one outcome, the matter is then escalated to stage two and a formal complaint.

The Principal/Headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

On receipt of the complaint the Principal/Headteacher will:

- Contact the complainant in writing as soon as possible and within five Academy working days to acknowledge their correspondence
- Advise the complainant that the Complaints Procedure is available on the respective Academy's website or provide a hard copy if requested
- Investigate the complaint and respond with a solution within 15 Academy working days
- Arrange for the PA to the SLT at Hummersknott Academy or the Business Administrator at Skerne Park Academy to record the details of the complaint and subsequent outcome on the complaints log
- Try to reach a positive outcome, but where this is not possible indicate to the complainant that they have the right to escalate the complaint to the next stage by writing to the Clerk to the Directors and Governors for the attention of Chair of the Board of Directors within 10 Academy working days of the outcome being received
- Pass all documentation to the PA to the SLT at Hummersknott Academy or the Business Administrator at Skerne Park Academy for logging and filing

### **STAGE THREE: Complaint Heard by Hummersknott Academy Trust Complaints Appeal Panel**

If the complainant remains dissatisfied with the stage two outcome or a stage one outcome dealt with by the Principal/Headteacher and exercises their right to escalate the complaint to stage three, the following process will be actioned:

The Chair of the Board of Directors, or nominated person, will:

- Arrange for the Clerk to acknowledge the complaint within five Academy working days
- Arrange for the PA to the SLT at Hummersknott Academy or the Business Administrator at Skerne Park Academy to update the details of the complaint and subsequent outcome on the complaints log
- Investigate the complaint
- Arrange a meeting of the Academy Trust's Complaints Appeal Panel within 20 Academy working days
- Write to inform the complainant of the outcome of the meeting within five Academy working days

The Academy Trust appeal hearing is the last Academy-based stage of the complaints process and is not convened to merely rubber-stamp previous decisions.

Individual complaints will not be heard by the whole Board of Directors at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The panel will follow the process outlined in Annex A when hearing a complaint. The complainant may be accompanied by a supporter but may not be accompanied by a legal advisor or representative unless this has been agreed by the panel chair.

The panel will comprise:

- The Chair or Vice-Chair of the Local Governing Body responsible for the Academy to which the complaint relates, provided they have had no prior involvement. If they have had prior involvement, an alternative Governor will be identified
- One Director of the Trust
- One independent person such as a Governor from another Academy within the Trust

The panel will choose their own chair.

#### **THE REMIT OF THE COMPLAINTS APPEAL PANEL**

The panel can:

- dismiss the complaint in whole or in part
- uphold the complaint in whole or in part
- decide on the appropriate action to be taken to resolve the complaint
- recommend changes to an Academy's systems or procedures to ensure that problems of a similar nature do not recur

There are several points which any Director sitting on a complaints panel must remember:

- a. No Director can 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, Directors will try to ensure that it is a cross-section of the categories of Directors and sensitive to equality and diversity
- b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between an Academy and the complainant. However, it has to be recognised the complainant may 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 that will satisfy the complainant that his or her complaint has been taken seriously

- c. 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. The panel will ensure that the views of the child/children involved are heard and given equal consideration to those of adults. Where the child's parent is the complainant, the parent will be given the opportunity to say which parts of the hearing, if any, the child needs to attend
- e. The panel will make available the findings and recommendations to the complainant and, where relevant, the person complained about. A copy will be available for inspection on the Academy premises by the Trust and the Principal/Headteacher

The panel chair will provide a copy of the decision letter to the PA to the SLT at Hummersknott Academy and the Business Administrator at Skerne Park Academy.

#### **If the complainant remains dissatisfied:**

If, after all stages have been exhausted, the matter has not been satisfactorily resolved, the complainant should be referred to the Education Funding Agency (EFA) to access their procedure via:

- the 'complaints about academies' page on the Department for Education website
- write to Academies Central Unit (Academy Complaints), Education Funding Agency, Earlsdon Park, 53-55 Butts Road, Coventry, CV1 3BH

#### **ROLES AND RESPONSIBILITIES**

##### **The Role of the Clerk**

The Clerk will be the contact point for stage three complainants and is required to:

- acknowledge the complaint within five Academy working days
- 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, including the PA to the SLT at Hummersknott Academy and the Business Administrator at Skerne Park Academy, of the panel's decision
- ensure the outcome is recorded on the relevant complaints log

##### **The Role of the Chair of the Governing Body or the Nominated Governor**

The Chair of the Governing Body or nominated governor will:

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

##### **The Role of the Chair of the Panel**

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

- 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

- the remit of the panel is explained to the parties and each party has the opportunity to put their case without undue interruption
- complainants 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 issues are addressed
- key findings of fact are made
- the panel is open minded and acting independently
- each side is given the opportunity to state their case and ask questions
- written material is seen by all parties. If a new issue arises it is important to give all parties the opportunity to consider and comment on it

## **MANAGING AND RECORDING COMPLAINTS**

### **Recording Concerns/Complaints**

Stage one concerns which are dealt with informally and a conclusion reached are not recorded. If a satisfactory conclusion has not been achieved and the complainant escalates the concerns to stage two, it will then be logged as a complaint.

When a stage two is received it must be passed to the PA to the SLT at Hummersknott Academy or the Business Administrator at Skerne Park Academy and recorded on the relevant Academy's complaints log.

Stage three complaints will be received by the Clerk to the Directors and Governors, details must be passed to the PA to the SLT at Hummersknott Academy or the Business Administrator at Skerne Park Academy who will update and the relevant Academy's complaints log.

The PA to the SLT at Hummersknott Academy or the Business Administrator at Skerne Park Academy will be responsible for holding all correspondence, statements and records relating to complaints at their respective Academy. These are kept confidential except where required by the Secretary of State or by inspectors.

### **Governing Body Review**

The Governing Body will monitor the number and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole governing body will not name individuals.

As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to Academy improvement. When individual complaints are heard, they may identify underlying issues that need to be addressed. The monitoring and review of complaints by the Academy and the governing body is a useful tool in evaluating the Academy's performance.

Please be aware that the day communication is received is day zero, the following working day is day one.

### Checklist for a Panel Hearing

The panel needs to take the following points into account:

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

### **Actions and Behaviours of Unreasonable and Unreasonably Persistent Complainants**

These are some of the actions and behaviours which academies often find problematic. It is by no means an exhaustive list and factors may vary, but they are examples that may come to our attention.

- Refusing to specify the grounds of a complaint, despite offers of assistance with this from the Academy's staff
- Refusing to co-operate with the complaints investigation process whilst still wishing their complaint to be resolved
- Refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure's scope
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or good practice
- Making what appear to be groundless complaints about the staff dealing with the complaints and seeking to have them replaced
- Changing the basis of the complaint as the investigation proceeds and/or denying statements he or she made at an earlier stage
- Introducing new information which the complainant expects to be taken into account and commented upon, or raising large numbers of detailed questions which are particularly time consuming and costly to respond to and insisting they are all fully answered
- Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved
- Adopting a "scattergun" approach; pursuing a complaint or complaints with the Academy and, at the same time, with a Member of Parliament/a Councillor/the Local Authority/the Authority's Independent Auditor/local police/solicitors/the Ombudsman/Ofsted
- Making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being looked into, by, for example, excessive telephoning or sending emails to numerous Academy staff, regularly writing lengthy complex letters and expecting immediate responses
- Submitting repeat complaints, after complaints processes have been completed, essentially about the same issues, with additions/variations which the complainant insists make these "new" complaints about the same issues and which they insist should be put through the full complaints procedure
- Refusing to accept the decision and/or repeatedly arguing the point and complaining about the decision
- Combinations of some or all of these