



**Our mission** - ‘To create and sustain an inclusive and outstanding learning community for all, rooted in the teachings of Jesus Christ, in which all will aspire to excellence in learning, teaching and care for one another, so all will achieve and grow as unique individuals made in the image of God’.

**Our Core Values;**

## ***Faith, Aspiration & Unity***

We are committed to providing a positive working environment which is free from prejudice and unlawful discrimination and any form of harassment, bullying or victimisation. We have developed a number of key policies to ensure that the principles of Catholic and Church of England Social Teaching in relation to human dignity and dignity in work become embedded into every aspect of school life and these policies are reviewed regularly in this regard.

## **COMPLAINTS POLICY**

<b>Complaints Policy in School Policies- Document Status</b>			
<b>Date of review completion</b>	June 2019	<b>Named Responsibility</b>	Finance & Personnel Committee
<b>Inception of new Policy</b>	March 2017	<b>Named Responsibility</b>	Finance & Personnel Committee
<b>Date of Policy Adoption by Governing Body</b>	March 2017	<b>Review Date</b>	June 2022

## **Procedure for Handling of Complaints**

### **Aim**

To clarify the method by which complaints to Holy Trinity Academy (HTA) are handled.

### **Background Information - General Statement**

At all times HTA tries to provide an education service to all pupils in its care to the best possible standard. On the unfortunate occasions that there is cause for complaint then this procedure defines how that complaint will be handled.

### **Definitions**

**Complaint** – This refers to any official form of complaint received by the academy either by E-mail, letter or verbally. If the complaint is verbal, then the academy should take notes for further reference.

. Complaints must be sent to any one of the following:

- a) The Head Teacher
- b) The Chair of Governors

### **Procedure**

#### **Principles**

At every stage of the formal procedure, the handling of the complaint will be:

- non-adversarial
- swift (using agreed time limits)
- fair (using independent investigation where necessary)
- confidential

Throughout the process, the school will be willing:

- to listen
- to learn
- to admit mistakes
- to apologise if appropriate
- to address any issues raised
- to change school practice if appropriate

In using this procedure:

- staff are asked to be aware that complainants may feel intimidated by the school as an institution and unsure whether they will be treated fairly
- complainants are asked to be aware that those complained about, especially individual members of staff, may feel very vulnerable during this process

Throughout the procedure, therefore, the aim of all parties should be not only to resolve the complaint but also to develop and sustain good relationships between all members of the school community. However formal or serious the complaint, or however dissatisfied the complainant, the aim will always be reconciliation between all parties and a renewed commitment to work together amicably.

This Complaints Procedure does not apply to:

EXCEPTIONS	WHO TO CONTACT
<ul style="list-style-type: none"> <li>• admissions to schools</li> <li>• statutory assessments of Special Educational Needs (SEN)</li> <li>• school re-organisation proposals</li> <li>• matters likely to require a Child Protection Investigation</li> </ul>	<p>Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeal for maintained schools are dealt with by the Local Government Ombudsman.</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school</li> </ul>	<p>Further information about raising concerns about exclusions can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a></p>
<ul style="list-style-type: none"> <li>• whistleblowing</li> </ul>	<p>The school has an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: <a href="mailto:whistlebolwing@ofsted.gov.uk">whistlebolwing@ofsted.gov.uk</a> or by writing to WBHL, Ofsted, Piccadily Gate, Store Street, Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.</p>
<ul style="list-style-type: none"> <li>• Staff grievances and disciplinary procedures</li> </ul>	<p>These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.</p>
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities.</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.</p>

## Outline of the Procedure

There are three stages to the formal procedure:

### **Stage 1**

Complaints should always be tried to be resolved informally before continuing through to stage 2.

### **Stage 2**

#### **Complaint heard by the headteacher.**

A nominated Governor will hear the complaint against the Headteacher.

### **Stage 3**

#### **Complaint heard by Governing Body's Complaints Appeal Panel.**

## **THE FORMAL COMPLAINTS PROCEDURE IN DETAIL**

- 1.1** The complaint should be addressed in writing, in the first instance to Mrs S Benting, Headteacher's PA, who will log the complaint (See Appendix A for a sample record form) and then refer it to the Headteacher. In making this decision, the co-ordinator will be sensitive to any indication that the complainant would have difficulty discussing the complaint with a particular member of staff.
- 1.2** If the complaint concerns the headteacher, it will be referred to the chair of governors and, in courtesy, inform the headteacher that this has been done. If the complaint concerns the chair of governors, it will be referred to the vice-chair.
- 1.3** Whoever investigates the complaint will:
  - establish what has happened so far, and who has been involved;
  - clarify the nature of the complaint and what remains unresolved;
  - meet with the complainant or contact them (if unsure or further information is necessary);
  - clarify what the complainant feels would put things right, clearing up any areas of misunderstanding, identifying areas of agreement and discussing what might be possible;
  - interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish ( - this should include adults and pupils as appropriate, whether main players or witnesses- );
  - conduct each interview with an open mind and be prepared to persist in the questioning;
  - keep notes of each interview.
- 1.4** **Timescales.** Within ten school days of receiving the complaint, the investigator will complete the investigation and contact the complainant to arrange a meeting. (See **1.5**). At any point in the process, a decision may be made to commission a further investigation, whether by a member of staff or an independent person. If this occurs, the timescale may be extended and the complainant must be informed of the extension and the reason for it.
- 1.5** When the investigation is complete, the member of staff investigating will meet the complainant to try to resolve the complaint. **Every effort should be made to try to resolve the complaint at this meeting.** Any of the following may be appropriate at this point:
  - an acknowledgement that the complaint is valid in whole or in part;
  - an apology;
  - an explanation;

- a clarification of misunderstandings;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

**1.6** If the complaint cannot be resolved, the complainant may refer it to Stage 2.

### **Stage 1**

Complaints should always be tried to be resolved informally before continuing through to stage 2.

If unsatisfied at Stage 1, the complainant can take the complaint to the next stage.

### **Stage 2 – Complaint Heard by Headteacher**

- 2.1** Complaints will be referred to the Headteacher, in the first instance, **unless** the original complaint concerned either the headteacher or the chair of governors in which case the complaint should be referred to another member of the Governing Body.
- 2.2** The headteacher will either investigate the complaint personally or refer it to another senior member of staff (who has not so far been involved) or arrange for an independent investigation if appropriate. At this point it is possible that the complaint will have escalated to include a complaint concerning the manner in which the original complaint has been handled. Both parts of the complaint would in this case need to be investigated.
- 2.3** In conducting the investigation, the investigator will operate in accordance with section **1.4**.
- 2.4 Timescales:** Within ten school days of receiving the complaint, the investigator will report back to the headteacher. Within a further three school days, the headteacher will contact the complainant and arrange a meeting. (See **2.5**) At any point in the process, the headteacher may decide or agree to commission a further investigation, whether by another senior member of staff or a governor or an independent person (eg from the diocese or the LEA or another appropriate agency depending on the nature of the complaint). If this occurs, the timescale may be extended and the complainant must be informed of the extension and the reason for it.
- 2.5** **When the investigation is complete**, the headteacher will consider the evidence and, whether or not he or she investigated the matter personally, will meet the complainant (with or without the person who conducted the investigation if different) to try to resolve the complaint. **Every effort should be made to resolve the complaint at this meeting.** Any of the suggestions in section **1.6** may be appropriate at this point.
- 2.6** If the complaint cannot be resolved, the complainant may refer it to Stage 3.

### **Stage 3 - Complaint Heard by Governing Body's Complaints Appeal Panel**

If a complaint progresses to the final panel hearing stage, the complainant will be invited to attend and can be accompanied if they wish.

- 3.1** A Complaints Appeal Panel, consisting of three governors, should be appointed annually by the governing body. This panel will have delegated power to hear and finally determine complaints. Ideally, the make-up of the panel should reflect the make-up of the governing body and/or the profile of the pupils in the school. Any governor who has prior involvement in or detailed knowledge of a particular complaint

or its investigation may not sit on the panel hearing that complaint. It would be advisable, therefore, for the governing body to agree alternative panel members in case of such a circumstance. There must also be at least one member of the panel who is independent of the management and running of the school. This member will be identified by the school as a suitably independent individual who can fulfil the role and responsibility of being an independent member.

- 3.2** To trigger Stage 3, the complainant will have been dissatisfied with the school's approach to the complaint in stage 2 and must now put the complaint in writing to the chair of governors. The chair will check what has happened so far and, if the procedure has been properly followed and it is appropriate to move to Stage 3, he or she, or a nominated other governor, will - via the clerk - convene a Governing Body's Complaints Appeal Panel. If the original complaint concerned the chair of governors and was referred to the vice-chair, the vice-chair will tell the complainant the name of the nominated governor for a referral to Stage 3. (see section 3.1)
- 3.3** This is the final stage of the procedure. There is no further redress or appeal. It is, therefore, vital that, in the spirit of the procedure, the Appeal Panel should:
- be prepared to hear complaints without preconceptions;
  - examine and discuss the matter fully so that they ensure that they have every piece of information or evidence that they require;
  - be prepared to commission, organise or conduct further investigations if necessary;
  - give the complainant the opportunity to express their dissatisfaction and worries and to suggest what might put things right;
  - be prepared to take whatever action is required.
- 3.4 Timescales.** The date of the Appeal Panel Meeting should be agreed by all parties within five school days of the receipt of the written referral of the complaint. The meeting itself should be held within fifteen school days of the receipt of the referral. If the complainant or the headteacher wishes to submit information in writing to the panel, they should send it to the clerk to the governors at least five school days before the meeting. As far as possible, the meeting should not be delayed if the referral comes at the end of a term, especially at the end of the summer term. Since the aim of the procedure is to resolve the issue and effect reconciliation if necessary, it will be best if the matter can come to the panel as quickly as possible, especially as the complainant will already have been engaged over a protracted period in attempts to put things right.

### **The Meeting of the Governing Body's Complaints Appeal Panel**

- 3.5 Before the meeting:** Members of the panel should consider carefully any documentation from the headteacher or the complainant but should not discuss the matter with anyone, including the other members of the panel, before the meeting. This is in the interest of fairness and natural justice. The appeal panel must operate scrupulously as an independent arbiter of the complaint.
- 3.6 Conduct of the meeting – to be borne in mind:**
- One of the panel must act as chair and there should be a clerk for the meeting.
  - The meeting room should be private and as informally laid out as possible in order to encourage a spirit of partnership. It is very important that there should be nothing adversarial about the proceedings. The tone of the whole meeting will be set by the atmosphere of the room in which it is set and by the way people are greeted. Panel members should be sensitive to the vulnerabilities and sensitivities of all concerned. Parents may be emotional when talking about their child; the headteacher and others involved in the earlier investigations may fear that their professionalism could be under attack. Everyone needs to remember that the aim and purpose of the meeting is to resolve the complaint and find ways of going

forward together. It is possible that the complainant may not be satisfied with the outcome if the panel does not find in their favour, but the conduct of the meeting can go a long way towards smoothing such dissatisfaction. At the very least, every complainant should feel at the end that their complaint has been taken seriously and examined impartially.

- Very special care should be taken if the complainant is a child or if there are child witnesses. Children's views should be given equal consideration to those of adults. If a parent has complained on behalf of a child, the parent should be given the opportunity to say which parts of the meeting the child needs to attend.

### **3.6 Role of the Clerk** The clerk will:

- confirm to all parties in writing the date, time and venue of the hearing;
- receive and distribute any documentation to be read before the hearing;
- meet and welcome all parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision. (The wording of any letters will be agreed with the chair of the panel.)

### **3.7 Role of the Chair of the Panel** The chair will ensure :

- that the procedure is properly followed
- that the procedure for the hearing of the complaint is explained to all parties and that all parties have the opportunity to put their case without undue interruption;
- that the issues are addressed;
- that all parties are put at their ease, especially any who may not be accustomed to speaking at such a hearing;
- that the proceedings are kept as informal as possible and that everyone treats each other with respect and courtesy;
- that the panel operates in an open-minded and independent way;
- that time is given for all parties to consider any 'new' evidence.

### **3.8 Order of Proceedings for the Hearing of the Complaint**

- Welcome, introductions and explanations of the proceedings by the chair.
- The complainant is invited to explain the complaint.
- The headteacher may question the complainant.
- The panel may question the complainant.
- If there are any witnesses for the complainant, each one is invited into the hearing in turn and in each case the witness is invited to speak, then the headteacher may question them, and then the panel may question them. In each case, the witness may leave after their 'evidence'.
- The headteacher is invited to explain the school's actions.
- If there are any witnesses for the school, they are treated in exactly the same way as the witnesses for the complainant.
- When the chair is sure that all parties have asked all that they need to, the complainant is invited to sum up their complaint.
- The headteacher is then invited to sum up the school's actions and response to the complaint.
- The chair explains that both parties will hear from the panel within three school days following the day of the hearing.
- Both parties leave together while the panel decides on the issues

### **3.9 Options Open to the Panel** The panel may:

- 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 the school's systems or procedures to ensure that problems of a similar nature do not recur.

**3.10 After the Hearing** The following actions need to be taken.

- The chair of the panel agrees with the clerk the wording of the letter to be sent to both parties. The clerk then ensures that the letter is sent out in accordance with the agreed timescale.
- The clerk writes up the notes of the meeting and gives a copy to the chair of the panel.
- The clerk ensures that any recommendation to change school procedures is put on the agenda for the next governing body meeting.

**3.11 Persistent Complaints:** If the complainant, still dissatisfied, tries to reopen the same issue, the chair of governors is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

The complainant may refer to the Dfe guidance if still not satisfied.

## GENERAL POINTS

### Recording and Reporting Complaints

In order to turn complaints to positive effect, it is important that records are kept so that at regular intervals (perhaps termly) both the senior managers of the school and the governing body can reflect on issues that have arisen and on the way in which they have been handled. The complaints co-ordinator is the most obvious person to hold these records and to collate them into a report for the headteacher (if he or she is not the co-ordinator) and the governing body. Such a report could be a valuable self-evaluation tool. The governing body may also wish to consider reporting to parents any changes which have been made to the school's procedures as a result of parental feedback. (It need not be specified that the feedback was in the form of a complaint!)

### Complaints Made Other Than in Accordance with the Procedure

Sometimes a complainant may be unfamiliar with, or unaware of, the complaints procedure; sometimes they may choose to take their complaint straight to governors or to other parties, such as the diocese or the LEA. In every such case, the procedure must be strictly adhered to, and the complaint redirected to its proper stage in the procedure. It is, therefore, important that all members of staff and all governors are fully aware of the procedure and that it is publicly available. It is particularly important that governors know that they must not attempt to deal with complaints themselves.

### Complaints Made to the DfES

In unusual cases the Secretary of State may have the power to intervene if the governing body of the school has acted as no reasonable governing body would act. This is very unlikely to be the case unless the whole of the school's own complaints procedure has been exhausted.

**APPENDIX A COMPLAINT RECORD FORM**

**PART A RECORD OF COMPLAINT**

**Complainant's Name:**

**Address:**

**Telephone:**

**Details of the Complaint:**

**Date Complaint Made:**

**Action Already Taken to Resolve the Matter:**

**Complainant's View of what might resolve the issue:**

## **PART B ACTION TAKEN IN ACCORDANCE WITH THE COMPLAINTS PROCEDURE**

**Complaint Investigated By:**

**Action (with dates):**

**Date of formal meeting with complainant:**

**Outcome of the Meeting:**