Policy Information Sheet

Name of Policy:	**Complaints policy and procedure**
Delegated Authority	☒ Trust Board ☐ Nominated Committee ☐ CEO ☐ CFO ☐Other _____
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This Policy and Procedure is based on the current Department for Education (DfE) best practice guidance for academies complaints procedures and the requirements of Part 7 of Schedule 1 to the Education (Independent School Standards) Regulations 2014.

1. Introduction

This Policy and the procedures for its implementation aim to clarify the way in which complaints are managed at Hartlepool Free School. It aims to do so in a way which is clear and concise. The Policy also seeks to promote a consistent and transparent approach to dealing with complaints.

A complaint is defined as an expression of dissatisfaction, however made, about actions taken or a lack of action. All complaints will be considered through the staged process outlined in this policy.

The school accepts that the actions of those individuals who work in the school will and should be open to comment, question and, on occasions, criticism. Hartlepool Free School takes complaints seriously and strives to deal with complaints swiftly and thoroughly. In a spirit of accountability Hartlepool Free School will attempt to resolve general school complaints through the most appropriate process and, where necessary, this may involve formal procedures.

This policy has been prepared in accordance with Part 7 of Schedule 1 to the Education (Independent School Standards) Regulations 2014. The statutory procedure applies to complaints from parents and carers of pupils at Hartlepool Free School about matters relating to their child. The school will also respond respectfully and expediently to complaints from other individuals, although it is not required to apply this statutory procedure to those complaints.

The handling of complaints by representatives of Hartlepool Free School will reflect other legislation and regulations, including the Equality Act 2010.

The school will make reasonable adjustments to enable complainants to access and complete this procedure.

2. Principles

This policy is underpinned by the following principles:

- Complaints will be considered and resolved as quickly and as efficiently as possible.
- Complaints will be dealt with by the member of staff best suited to deal with the matter.

If the complaint is about an individual member of staff, they have a right to know the substance and source of any complaint made against them.

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 Education and Skills Act 2008 requests access;
- another body exercising a legal right to access the records requires them; or
- disclosure is otherwise required by law.

- Complaints will be dealt with in line with any relevant national legislation and statutory obligations.
- Complaints will be dealt with having due regard for confidentiality and the security of any records made in line with UK GDPR (General Data Protection Regulation).

3. Scope of the Policy

This complaints policy covers all complaints about any aspect of school provision, with the exceptions listed below, for which there are separate, and in some cases statutory, procedures:

- Exclusions and admission appeals
- Admissions
- Content of a statutory statement of Special Educational Needs
- The National Curriculum and related matters, including Religious Education
- Child Protection
- Allegations Management (safeguarding concerns about staff that need to be referred to the LADO – Local Authority Designated Officer).
- Matters that are the responsibility of the Local Authority such as home to school transport.

In cases of allegations against the Principal, the matter should be raised with the CEO and Chair of the Trust Board or the Designated Officer of the Local Authority.

4. Implementation – (see flow-chart in Section 7)

Hartlepool Free School has a four-stage process for dealing with complaints. The four stages are:

Stage 1 – complaint heard by a member of staff (informal)
Stage 2 – formal complaint heard by the Principal
Stage 3 – complaint reviewed by the Chair of Trustees
Stage 4 – complaint heard by the Trust Board Complaints Appeal Panel (final stage)

Stage 1

HFS aims to resolve a complaint at the earliest possible opportunity via informal resolution by way of a discussion with the appropriate member of staff. The school will aim to resolve informal complaints within 5 school days. Any records of informal discussion and the resolution will be logged in school. If the Complainant thinks that their complaint has not been resolved, then they can take their complaint to Stage 2.

Stage 2

Complaints should be submitted in writing within 10 school days of the informal meeting/discussion. During this stage the Principal will deal with the complaint. The Principal will respond to the complaint in writing via a letter or an email within 10 school days. If the Complainant is still not satisfied, or if the school fails to respond within the deadlines, the complaint will escalate to Stage 3. Where it is not reasonably possible to meet the published timescale, the complainant will be informed of the reason for the delay and provided with a revised timescale.

Stage 3 - The Stage 3 review does not replace the complainant's right to request a panel hearing under Stage 4.

The Complainant should then write to the Chair of Trustees within 10 school days of receiving the letter/email from the Principal, giving full details of the complaint and the reason why they remain dissatisfied with previous attempts to resolve the complaint. The Chair of Trustees, or nominated representative, will then deal with the complaint. This will involve gathering information and responding to the complainant in writing or at a meeting, within 10 school days. Where additional enquiries are required and the published timescale cannot reasonably be met, the complainant will be informed of the reason for the delay and the revised expected response date. On completion and in receiving the response, If the Complainant thinks that the matter is still not resolved, they can request that the complaint is heard at Stage 4 by a Trust Board Complaints Appeal Panel.

Stage 4

The Complainant should write to the Chair of Trustees within 10 school days of receiving the Stage 3 response, requesting that the complaint is heard at Stage 4. The Chair will appoint a Trustee to chair the Complaints Panel. The panel will consist of at least three members, none of whom have been involved in the previous consideration of the complaint and will include at least one independent person who is not involved in the management or running of the Trust. The panel will be convened within 15 school days of receipt of the request. The Chair will ensure that there is no conflict of interest amongst panel members and will appoint a suitably independent individual to fulfil the independent role. This may include a senior member of staff or governor from another school, or a local authority representative with relevant experience.

The Clerk to the Panel will ensure that all parties receive copies of the documents to be considered in advance of the hearing and are informed of the procedure to be followed. The Clerk to the panel will invite the complainant to attend the hearing. The Complainant will be informed of the time, date and venue for the hearing and can be accompanied at the hearing should they wish. The clerk will collate and distribute any relevant information.
The Complaints Panel will aim to reach an outcome in respect of the complaint (i.e. upheld, partially upheld, not upheld, unable to substantiate). The Panel will also decide and agree on any appropriate action to be taken as a result of the complaint and make recommendations to change processes/procedures to ensure problems of a similar nature do not recur. The Chair will ensure that the complainant is sent the Panel's findings and recommendations in writing within 10 school days of the hearing. Where relevant, a copy will also be provided to the person complained about. The findings and recommendations will be available for inspection by the proprietor and the Principal.

Any disciplinary outcome of any investigation into the conduct of a member of staff at Hartlepool Free School is a confidential matter between the member of staff and the Senior Management/Trustees of the school and will not be disclosed to the Complainant.

The decision of the Complaints Panel concludes the school's internal complaints procedure.

Complainants who are not satisfied with the handling of their complaint under Stage 4 can take the matter to the Education and Skills Funding Agency (ESFA) / Department for Education (DfE) via the following link: Complaints to the Department for Education

The ESFA/DfE will consider complaints about academies that fall into any of the following three areas:

- where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint
- where the academy is in breach of its funding agreement with the Secretary of State
- where an academy has failed to comply with any other legal obligation

They will not overturn an academy's decision about a complaint. The ESFA will not investigate the substance of the complaint but will consider whether the Trust has followed its complaints procedure correctly. However, if they find an academy did not deal with a complaint properly, they will request the complaint is looked at again and procedures meet the requirements set out in the regulations. If the academy's complaints procedure does not meet the regulations, they will ask the academy to put this right.

5. Unreasonable Complaints

Hartlepool Free School 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 unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

A complaint may be regarded as unreasonable when the person making the complaint:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- refuses to accept that certain issues are not within the scope of a complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint despite previous investigations or responses concluding that the complaint is groundless or has been addressed
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- maliciously
- aggressively
- using threats, intimidation or violence or abusive, offensive or discriminatory language
- knowing it to be false
- using falsified information
- publishing unacceptable information in a variety of media such as in social media, websites and newspapers.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached. Whenever possible, the Principal

or Chair of Trustees will discuss any concerns with the Complainant informally if judging the complaint as 'unreasonable'. If the behaviour continues, the Principal will write to the Complainant explaining that their behaviour is unreasonable and ask them to change it. Once this process has been exhausted, we reserve the right not to respond to the Complainant about the complaint (see below).

When we will stop responding

The decision to stop responding will never be taken lightly, but will be made when all of the following are true:

- we have taken every reasonable step to address the complainant's concerns
- the Complainant has been given a clear statement of our position and their options
- the Complainant contacts us repeatedly, making substantially the same points each time

The case to stop responding is stronger when letters, emails, or telephone calls are often or always abusive or aggressive, when they make insulting personal comments about or threats towards staff, or when we have reason to believe the individual is contacting us with the intention of causing disruption or inconvenience.

Persistent or Serial Complaints

We will do our best to be helpful to people who contact us with a complaint or concern or a request for information.

However, there will be occasions when, despite all stages of the complaint procedure having been followed, the Complainant remains dissatisfied. If a Complainant tries to re-open the same issue, we will inform them that the procedure has been completed and that the matter is now closed. If the Complainant contacts us again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent' and we may choose not to respond.

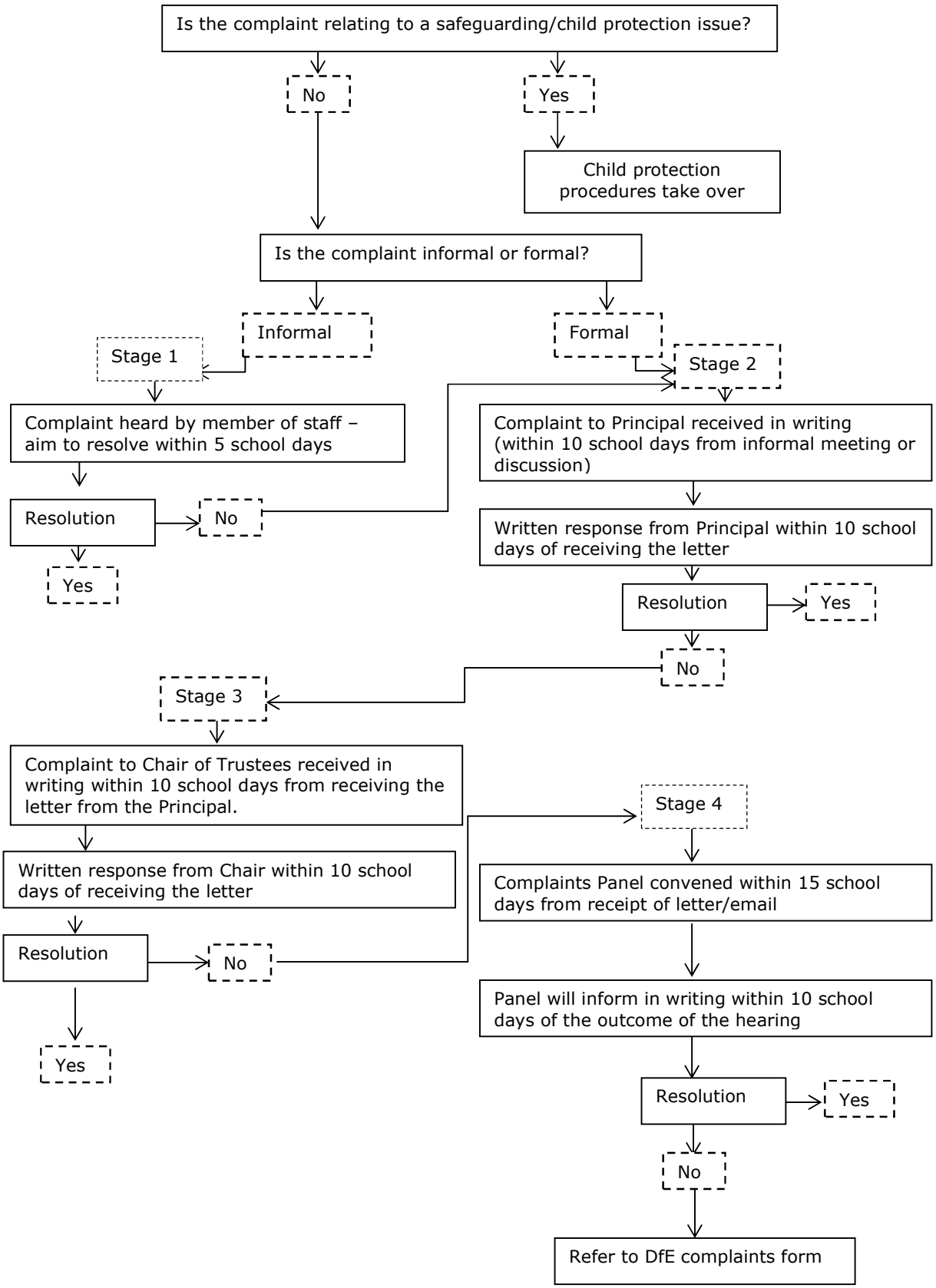
Vexatious Complaints

We may receive complaints we consider to be vexatious. The Office of the Independent Adjudicator defines the characteristics of a 'frivolous' or 'vexatious' complaint as:

- complaints which are obsessive, persistent, harassing, prolific, repetitious
- insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
- insistence upon pursuing meritorious complaints in an unreasonable manner
- complaints which are designed to cause disruption or annoyance
- demands for redress that lack any serious purpose or value

For Complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts. In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include barring an individual from school premises.

6. Process


Is the complaint relating to a safeguarding/child protection issue?
No
Yes
Child protection procedures take over
Is the complaint informal or formal?
Informal
Formal
Stage 1
Stage 2
Complaint heard by member of staff – aim to resolve within 5 school days
Complaint to Principal received in writing (within 10 school days from informal meeting or discussion)
Resolution
No
Written response from Principal within 10 school days of receiving the letter
Yes
Resolution
Yes
No
Stage 3
Complaint to Chair of Trustees received in writing within 10 school days from receiving the letter from the Principal.
Stage 4
Written response from Chair within 10 school days of receiving the letter
Complaints Panel convened within 15 school days from receipt of letter/email
Resolution
No
Panel will inform in writing within 10 school days of the outcome of the hearing
Yes
Resolution
Yes
No
Refer to DfE complaints form

7. Complaint Form

Hartlepool Free School

Complaint Form

Please complete and return to the school who will acknowledge receipt and explain what action will be taken. *(NB It is not necessary to use this form and complaints can be made without using this format.)*

Your name	
Student's name	
Your relationship to the student	
Address	
Postcode	
Daytime (	
Evening (	
Mobile (	
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?)	

PTO

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

Are you attaching any paperwork? If yes, please give details	
Signature	
Date	

Official Use	
Date acknowledgement sent	
By whom	
Complaint referred to	
Date	

8. Written records

The school will maintain a written record of all formal complaints. The record will include:

- the date the complaint was received;
- the stage reached;
- whether the complaint was resolved at Stage 2, Stage 3 or Stage 4;
- the outcome of the complaint;
- any actions taken by the school regardless of outcome; and
- the date the complaint was closed.

Records will be retained confidentially in accordance with the school's records retention schedule and data protection obligations.