



HERTSWOOD ACADEMY

Complaints Policy and Procedures

Author	Resources Committee
Governors' Committee	Resources
Date of last review	14 June 2018
Approved by Full Governing Body	18 June 2018
Date of next review	Autumn 2021
Notes	

Hertswood Academy Complaints Policy

Introduction

Academies are required to have complaints procedures meeting certain requirements by the Education (Independent Schools Standards) (England) Regulations 2014 and to make the procedure available to parents of students. Hertswood Academy accepts that the actions of those individuals who work in the school will and should be open to comment, question and, on occasions, criticism. Hertswood Academy take complaints seriously and strives to deal with complaints swiftly and thoroughly. In a spirit of accountability Hertswood Academy will attempt to resolve general school complaints through the most appropriate process and, where necessary, this may involve formal procedures.

This general school complaints procedure does not cover every type of complaint. The issues noted below have their own, separate procedures. The following types of complaint are excluded from consideration under this policy.

Excluded from this procedure	Appropriate procedure
Student admissions	<p>Appeals are handled on the school's behalf by Hertfordshire County Council.</p> <p>Further information is at: https://www.hertfordshire.gov.uk/services/schools-and-education/school-admissions/school-appeals/school-appeals.aspx</p>
Home to school transport	<p>Contact Hertfordshire County Council.</p> <p>Further information is at: https://www.hertfordshire.gov.uk/services/schools-and-education/school-admissions/home-to-school-transport/home-to-school-transport.aspx</p>
School reorganisation proposals	Follow the procedures as outlined in the relevant consultation.
Statutory assessment for an Education, Health, and Care Plan (EHCP)	<p>Applications for an ECHP are considered by Hertfordshire County Council (HCC).</p> <p>Further information is at: https://www.hertfordshire.gov.uk/microsites/local-offer/support/ehc-plan.aspx</p> <p>This website also explains options for mediation and appealing to a tribunal if you disagree with a decision by HCC not to issue an EHCP.</p>
Exclusion of a student from school	<p>If your child is permanently excluded from school, you should present evidence in writing and/or in person to the Governors' Discipline Committee meeting that will be held. If you have already received the outcome of the Governors' Discipline Committee meeting, you can request an independent review of the decision. Email school.appeals@hertfordshire.gov.uk to request an application form.</p>
National education policy, such as the content of the national curriculum	Contact the Department for Education. See https://www.gov.uk/government/organisations/department-for-education/about/complaints-procedure



Matters likely to require a safeguarding or child protection investigation, including those where allegations are made against staff

Please refer to the school's Safeguarding Policy and Procedures. This document is available at: <http://www.hertswoodacademy.org/Policies>. Appendix 2 sets out a procedure in the event of suspected abuse. Appendix 3 sets out the procedure in the event of an allegation against a member of staff.

Aims

This policy and the procedures for its implementation aim to clarify the way in which complaints are managed at Hertswood Academy. 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.

Principles

This policy is underpinned by the principles noted below:

- 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 they have a right to know the substance and source of any allegation made against them.
- 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.
- Complaints must be clearly defined, and the nature of a complaint must remain the same between one stage and the next. A complaint may not change or be added to during the complaints process.

Implementation

Hertswood Academy has a four-stage process for dealing with complaints. Further details of each stage together with roles and responsibilities of staff involved can be found within this document. The four stages are:

- Stage 1 – complaint considered informally by a member of staff
- Stage 2 - complaint considered formally by the Headteacher
- Stage 3 – complaint considered formally by the Chair of Governors
- Stage 4 - complaint considered formally by a panel on behalf of the Governing Body

Please note that the Academy's governors are involved in the last two stages of the complaints process, should your complaint not be resolved in the earlier stages. Any governor dealing with a complaint is expected to be impartial, and this could be called into question if the governor had discussed the case beforehand. For this reason, governors will be unable to discuss your complaint with you earlier in the process, and will advise you to take up your concerns with the appropriate member of staff or the Headteacher.

If your child has a Statement of Special Educational Needs (SEN) or an Education, Health and Care Plan (EHCP) you might find it helpful to talk to our Special Educational Needs Co-ordinator (SENCO) or your child's named Special Needs Officer at the Local Authority. The SEND

Information Advice and Support Service (SENDIASS – formerly Parent Partnership) may be able to help you.

Stage 1 – complaint considered informally by a member of staff

Hertswood Academy aims to resolve a complaint at the earliest possible opportunity via informal resolution by way of a discussion with the appropriate member of staff. If you do have a concern about anything we do, or if you wish to make a complaint, you can do this by telephone, in person or in writing (by letter or email). We hope that most complaints can be settled quickly and informally, either by putting matters right or by giving you an explanation. If there is something you are not happy about, or you don't understand why we are doing something in a particular way, please come in and discuss it with the appropriate member of staff, such as the Special Educational Needs Co-ordinator (SENCO) if it is about Special Educational Needs.

We know that it can feel uncomfortable to question or challenge something but if you don't tell us what is worrying you we cannot explain what we are doing or try to put it right. If the member of staff you speak to in the first instance is unable to attempt to resolve the matter, you should make an appointment with the Headteacher and take your complaint to Stage 2.

Stage 2 – complaint considered formally by the Headteacher

If a parent / carer is dissatisfied with the response to the complaint under Stage 1, or the complaint requires investigation or involves dissatisfaction with some aspect of the Academy's policies or management, the complaint should be made under Stage 2.

The full details of the complaint should be set out in writing and sent with all relevant documents and full contact details to the Headteacher.

The complaint will be acknowledged by telephone, email or letter within two school days, indicating the action that is being taken and the likely time scale.

Investigation

The Headteacher may ask a senior member of staff to act as Investigator and / or may involve one or more Governors. The Investigator(s) may request additional information from you and will probably wish to speak to you personally and to others who have knowledge of the circumstances. Written records will be kept of all meetings and interviews held in relation to the complaint. The Investigator(s) will prepare a report on the investigation which will be considered by the Principal.

Decision

The Headteacher will then notify the complainant by telephone, email or letter of his / her decision and the reasons for it within 10 school days from the receipt of the complaint. Where there are exceptional circumstances resulting in a delay, the parents / carers will be notified of this and informed of the new timescales as soon as possible.

Please note that any complaint received within one month of the end of a term or half term is likely to take longer to resolve owing to the presence of academy holidays and the unavailability of personnel required for the investigation to be undertaken properly.



If a parent /carer is dissatisfied with the Head's decision, the complaint may be renewed in writing to the Chair of the Governing Body

If your complaint is about the Headteacher, request a meeting with the Chair of Governors via the school office or the email address chair@hertswoodacademy.org.

Stage 3 – Complaint considered formally by the Chair of Governors

If a parent / carer is dissatisfied with the Headteacher's decision under Stage 2, the complaint may be renewed in writing to the Chair of the Governing Body.

To refer the complaint to the Chair of Governors, the request should be put in writing to the Chair of Governors within five school days of receiving the Headteacher's decision. The letter should give full details of the complaint and enclose all relevant documents, together with full contact details.

This request will be acknowledged by telephone, email or letter within four school days, indicating the action that is being taken and the likely time scale.

The complaint will be investigated following procedures equivalent to those under Stage 2.

When the Chair of Governors is satisfied that he / she has established all the material facts, so far as is practicable, he / she will notify the complainant in writing of his / her decision and the reasons for it. He / she will aim to provide a response within ten school days of receiving the letter.

If a parent / carer is not satisfied with the decision of the Chair of Governors, the parent / carer can request that the complaint be referred to the Complaints Panel using the procedure set out.

If your complaint is about the Headteacher and was still unresolved after Stage 2, proceed to Stage 4.

Stage 4 – Complaint considered formally by a Complaints Panel What is a Complaints Panel hearing?

A Complaints Panel (**Complaints Panel**) hearing is a review of the decisions taken by the Headteacher and the Chair of Governors. The Panel will not consider any new areas of complaint which have not been previously raised as part of the complaints procedure.

The role of the Panel is to establish the facts surrounding the complaints that have been made by considering:

- the documents provided by both parties; and
- any representations made by the Parents / Carers, the Headteacher and the Chair of Governors];
- and to reach a decision, on the balance of probabilities, as to whether each complaint is made out.

It is not within the powers of the Panel to make any financial award, nor to impose sanctions on staff, pupils or parents/ carers. The Panel may make recommendations on these matters or any other issues to the Headteacher and / or to the Governing Body, as appropriate.

How to request a Complaints Panel hearing

A request for a hearing before the Complaints Panel must be put in writing to the Clerk to the Governors within five school days of the decision complained of. The request will usually only be considered if the procedures at Stages 1 and 2 and Stage 3 have been completed.

The written request should include:

- a copy of all relevant documents and full contact details;
- details of all the grounds of the complaint and the outcome desired;
- a list of the documents which the parents / carers believe to be in the Academy's possession and wish the Panel to see; and
- whether you propose to be accompanied to the hearing by someone who is legally qualified.

If assistance with the request is required, for example because of a disability, please inform the Clerk to the Governors of this and he / she will be happy to make appropriate arrangements.

The Clerk to the Governors will acknowledge the request for a hearing in writing within two school days of receipt during term time and as soon as practicable during the holidays.

Every effort will be made to enable the hearing to take place within fifteen school days of receipt of the request. However, note that the Panel will not normally sit during half terms or academy holidays.

Planning the hearing

As soon as reasonably practicable, and in any event at least ten school days before the hearing, the Clerk to the Governors will send written notification to each party of the date, time and place of the hearing.

Copies of any additional documents you wish the Panel to consider should be sent to the Clerk to the Governors to be received at least five school days prior to the hearing.

You may be accompanied to the hearing by another person, for example a relative, teacher or friend. The Panel hearing is not legal proceedings and so legal representation is not usually necessary. If you do wish to be accompanied by someone who is legally qualified, you should have notified the Clerk to the Governors of this in your initial request for a Panel hearing. If you did not do so and you wish to be accompanied by a legally qualified person, you must inform the Clerk to the Governors of this at least five school days prior to the hearing.

The Clerk to the Governors will circulate a copy of the bundle of documents to be considered by the Panel to all parties at least three school days prior to the hearing.

Composition of the Panel

The Panel will normally comprise three individuals who have no detailed prior knowledge of the circumstances on the complaint, including Governing Body members and at least one



independent member who has no connection with the governance, management and running of the Academy.

The parents / carers may ask the Clerk to the Governors to tell them who has been appointed to sit on the Panel ahead of the hearing.

The Panel members will choose one of themselves to be the Chair of the Panel throughout the proceedings.

The Panel hearing

The hearing will be conducted in an informal manner.

All those present at the hearing shall have the opportunity to ask questions and make comments in an appropriate manner. The hearing is not a legal proceeding and the Panel shall be under no obligation to hear oral evidence from witnesses but may do so and / or may take written statements into account.

All statements made at the hearing will be unsworn. All present will be entitled, should they wish, to write their own notes for reference purposes. A clerk appointed by the Panel will take a handwritten minute of the proceedings.

All those attending the hearing are expected to show courtesy, restraint and good manners or, after due warning, the hearing may be adjourned or terminated at the discretion of the Chair. If terminated, the original decision will stand. Any person who is dissatisfied with any aspect of the way the hearing is conducted must say so before the proceedings go any further and his / her comment will be minuted.

The Chair may, at his / her discretion, adjourn the hearing for further investigation of any relevant issue. This may include an adjournment to take legal advice.

A hearing before the Complaints Panel is a private proceeding. No notes or other records or oral statements about any matter discussed in or arising from the proceeding shall be made available directly or indirectly to the press or other media.

The decision

The Panel will reach a decision on a balance of probabilities unless there is an agreed position.

The decision, findings and any recommendations will be confirmed in writing to you by electronic mail, normally within five school days of the hearing. If you do not wish to receive the decision by electronic mail, please inform the Clerk to the Governors of this and a copy will be given or posted to you.

The decisions, findings and any recommendations will also be available for inspection on the Academy premises by the Governing Body and the Headteacher.

This represents the conclusion of the Academy's complaints procedure.

Further recourse

If you feel that the school has acted or is proposing to act unreasonably, or has failed to discharge a duty under certain legislation you can contact the Education and Skills Funding



Agency (ESFA) using this link:

https://form.education.gov.uk/submitform.php?self=1&form_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1.

The role of the Education and Skills Funding Agency (ESFA)

If a complaint is received by the ESFA, they will check whether it has been dealt with properly by the Academy. They will consider complaints about academies that fall into the 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 the Academy has failed to comply with any other legal obligation

The ESFA will not overturn the Academy's decision about a complaint. However, if they find that the 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. They may seek to enforce the decision under the terms of the funding agreement on behalf of the Secretary of State, if appropriate.

Complaining further to the Local Authority about Special Educational Needs provision

In the case of complaints about Special Educational Needs provision, you may complain further to the Local Authority, which is Hertfordshire County Council. This may be done by writing to their Children's Services Complaints Manager using the email address cs.complaints@hertfordshire.gov.uk or by phoning 01992 588542.

Serial and Persistent Complainants

The school seeks to engage constructively when complaints are made in an appropriate way, . However, it may be necessary to place restrictions on serial and persistent complainants, because these can take up a large amount of staff and governor time and attention, which would be better spent on other matters.

The academy will no longer deal with a complainant where it considers it has:

- taken every reasonable step to address the complainant's needs;
- The complainant has been given a clear statement of the academy's position and their options (if any); and
- They are contacting the academy repeatedly but making substantially the same points each time.
- The academy has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience.
- Their letters/emails/telephone calls are often or always abusive or aggressive.



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- They make insulting personal comments about or threats towards staff or governors.

Other information

Hertswood Academy will:

- Deal with complaints from people who are not parents of attending students in the same way by utilising the process outlined above
- Consider if staff likely to be involved in handling a complaint are suitably equipped to do so.
- Clearly signpost parents that are not satisfied about the handling of their complaint to the ESFA
- Not tolerate abusive language or behaviour at any time, and reserves the right to postpone or terminate the process should it feel that the welfare of staff, students and/or governors is at significant risk.



Useful Contacts

<p>Advisory Centre for Education Education Advice and Training 72 Durnsford Road London N11 2EJ Web: www.ace-ed.org.uk Phone: 0300 0115 142</p>	<p>POhWER Hertlands House Primett Road Stevenage SG1 3EE Web: www.pohwer.net Phone: 0300 456 2370</p>
<p>Children's Legal Centre Riverside Office Centre Century House North North Station Road Colchester Essex CO1 1RE Web: www.childrenslegalcentre.com Phone: 0345 345 4345</p>	<p>National Youth Advocacy Service (NYAS) Egerton House Tower Road Birkenhead Wirral CH41 1FN Web: www.nyas.net Phone: 0345 345 4345</p>
<p>SENDIASS (Special Educational Needs & Disability Information Advice Support Service (formerly Parent Partnership)) Registry Office Block CHR102 County Hall Hertford SG13 8DF Web: www.hertsdirect.org/parentpartnership Email: parent.partnership@hertfordshire.gov.uk Phone: 01992 555 847</p>	
<p>Family Lives (Formerly Parentline Plus) 15-17 The Broadway Hatfield Hertfordshire AL9 5HZ Web: www.familylives.org.uk Phone: 0808 800 2222</p>	