



Heartlands Community Trust Complaints Policy

Circulated for consultation:	N/A	
Approved By	Directors Meeting	15 July 2018
Signed	Simon Garrill Chief Executive Officer	Jeff Twentyman Chair of Directors

1. Review and approval

- 1.1 Heartlands Community Trust (the “Trust”) is a multi-academy trust (MAT), and Directors have overall responsibility for the policy.
- 1.2 The Chief Executive Officer is responsible for the operation of the policy within the Trust, as well as for the maintenance of records of concern raised in accordance with this policy and the outcomes.
- 1.3 This policy is reviewed every three (3) years and is then ratified by the Trust.
- 1.4 The policy has been revised for May 2018 in light of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018. The Data Protection Officer has contributed to the production of this policy and is involved in every review.

2. Introduction and aims

- 2.1 Although not required to do so by law, the Trust has adopted the DfE (Department for Education) guidance called Best Practice Advice for Schools Complaints Procedures 2016¹ (the “Advice”) which states that, ‘Any person, including members of the general public, may make a complaint about any provision of facilities or services that a school provides, unless separate statutory procedures apply (such as exclusions or admissions). Schools must not limit complaints to parents or carers of children that are registered at the school’.
- 2.2 In addition, this policy applies to any matter which has been raised with the school by parents/carers of students as a complaint, but which has not been capable of informal resolution, and which the complainant or the school considers should be dealt with on a formal basis (i.e. Stage 2 onwards).
- 2.3 The following table² details the exceptions to the complaints that are dealt with under this policy, and indicates where the complainant should seek redress:

Exceptions	Who to contact
<ul style="list-style-type: none">• Admissions to schools• Statutory assessments of	Concerns should be raised direct with the Education Skills Funding Agency (ESFA) For school admissions, it will depend on who is the admission

¹ DfE publication, January 2016. This guidance specifies that academy trusts are not required to follow it, but the Trust has adopted relevant sections as best practice in the handling of complaints at school

² Taken from the Advice. Complaints regarding the admissions process at the Trust should be addressed to the ESFA

Special Educational Needs (SEN) <ul style="list-style-type: none"> • Matters likely to require a Child Protection Investigation 	authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.
<ul style="list-style-type: none"> • Exclusion of children from school 	Further information about raising concerns about exclusions can be found at: www.gov.uk/school-discipline-exclusions/exclusions .

- 2.4 This policy is based on the principle that complaints expressed by a student, parent or any other individual or organisation should be resolved as quickly as possible without the need to escalate to the formal stages of the procedure. However, where resolution has not been achieved and the person raising the concern is unhappy and wishes to take the matter further, the formal procedure for dealing with complaints – as laid out in this policy – will be followed.
- 2.5 Complaints should be raised as soon as possible, and within three (3) months of the incident or event to which the complaint relates (or, where the complaint relates to a series of incidents or events, within three (3) months of the latest incident or event).
- 2.6 This Policy is intended to be compliant with Schedule 1, Part 7 of the Education (Independent Schools Standards) (England) Regulations 2010 (as amended) (“the Regulations”). In the event of any variance between this Policy and the Regulations, the Regulations will apply.
- 2.7 A flowchart is shown at Annex A that summarises the stages involved in this Policy.

3. Definitions

- 3.1 As per the Advice, this policy uses the following definitions (unless otherwise stated):
- **A complaint** – *may* generally be defined as ‘an expression of dissatisfaction however made, about actions taken or a lack of action’ (page 4).
 - **School day** – equates to term time day (as deemed by the Trust)
- 3.2 The Trust will address all complaints, which parents may have in order to resolve them initially on an informal basis so that they do not escalate into formal complaints. Informal complaints are generally dealt with by classroom teachers, but members of the School Leadership Team (SLT) may also be asked to assist.

4. Policy and procedure

- 4.1 The Trust is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact

complainants have with the school. However, the Trust does not expect its staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening. The Trust defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder its consideration of their or other people's complaints'*.

- 4.2 A copy of this Policy is available on the Trust's websites. A hard copy is available in the school office of all Trusts schools.

Stage 1 – Informal resolution

- 4.3 The class teacher and other members of staff can deal with many complaints to the satisfaction of the complainant (i.e. the person who is complaining), without needing to deal with it formally. Trust schools value and encourage informal meetings and telephone discussions as a way of improving our procedures and relations with parents.
- 4.4 It is a precondition to the operation of this policy that the complainant shall have made reasonable attempts to seek an informal resolution and shall have acted in relation to the matter in a reasonable and measured way consistent with the school's vision and values. .
- 4.5 There is no rigid time-scale for resolving complaints at this stage. However, it is expected that most complaints will be resolved within **5 school days**. Should the nature or complexity of the complaint mean that more time is required, the school will write to the complainant within **10 school days** informing them of the reason for the delay and confirming a revised date for resolution.

Stage 2 – Formal resolution at a local level: investigation by a member of the Senior Leadership Team

- 4.6 Should informal meetings and telephone discussions appear unlikely to resolve the complaint, either party (i.e. the school or the complainant) may initiate a move to the Stage 2 for the complaint to be investigated formally. Any such request must be set out in writing, stating where the complainant remains dissatisfied and lodged **within 10 school days** of the complainant receiving the findings.
- 4.7 The complainant must outline the nature of the complaint, setting out briefly the facts and stating what it is that the complainant considers should have been done or where the school has not met reasonable expectations. A copy of the formal Complaint Form is shown at Annex B and additional information should be attached (as required). The form should either be handed to the school office and marked for the specific attention of Ms Levenson, or emailed to maria.levenson@heartlands.haringey.sch.uk. The complaint will be logged,

including the date that it was received. The Trust will normally acknowledge receipt within **3 school days**.

- 4.8 An investigation will be carried out by a member of the SLT (who will be appointed by the Head of School), that may include the offer of a meeting with the complainant. The investigator will speak to others involved. The investigator will put her/his findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within **20 school days**.
- 4.9 Once the investigation is complete the member of SLT will make recommendations to the Head of School. The Head of School will respond in writing within the **20 day period** as specified in 4.8 indicating how the matter has been resolved.
- 4.10 Any complaint relating to the:
- Chief Executive Officer of the Trust must be raised in the first instance with the Chair of Directors, who will designate a member of the Board of Directors to investigate in the same way as in the second stage of the formal process outlined above. Contact with the Chair can be made via the Trust Clerk, Ms Millard via jo.milliard@heartlands.haringey.sch.uk.
 - Head of School must be raised in the first instance with the Chief Executive Officer, who will designate another Head of School to investigate in the same way as in the second stage of the formal process outlined above. Contact with the Chief Executive Officer can be made via the Trust Clerk, Ms Millard via jo.milliard@heartlands.haringey.sch.uk.

Stage 3 – Formal resolution at Trust level: investigation by a member of the Local Governing Body

- 4.11 Where the complainant remains dissatisfied at the written findings, he/she may request the complaint is dealt with at Stage 3. Any such request must be set out in writing, stating where the complainant remains dissatisfied and lodged **within 10 school days** of the complainant receiving the findings in writing. An additional copy of the School Complaint Form (Annex B) requires completion at this stage, and should be marked 'Stage 3 Complaint'. It should be handed to the school office and marked for the specific attention of Ms Millard, or emailed to jo.milliard@heartlands.haringey.sch.uk. The complaint will be logged, including the date that it was received. It will normally acknowledge receipt within **3 school days**.
- 4.12 On receiving the Stage 3 Complaint documentation, the Chair of Directors will form a Complaints Panel. Its membership will be made up of predominantly the Local Governing

Body of the School (though this is not prescriptive). The panel will be independent and will therefore have had no involvement in previous investigations. At least one member of the panel will also be independent of the management and running of the School and the Academy Trust. Panel members can be member of the Trust Board if required.

4.13 The investigation may include the offer of a meeting with the complainant, and you will be able to bring along a companion should you wish. If parents are inclined to bring legal representation then they must inform the Complaints Panel prior to the meeting.

4.14 A hearing will be held within **15 school days** and all parties will be notified of the outcome within **3 school days** of the hearing

4.15 **IMPORTANT NOTICE** about the Complaints Panel:

- The Complaints Panel will only proceed if the complainant and/or their representative attend. If the complainant does not confirm attendance, or fails to attend on the day without compelling reasons, the Complaints Panel will not proceed and the complainant will lose their right to the complaint being heard. Any further attempt to re-open the matter will be considered as falling under the serial/persistent complaint section as below.
- If parents are inclined to bring legal representation they must inform the Complaints Appeal prior to the meeting.
- The aim of the Complaints Panel hearing is to independently consider the complaint and achieve reconciliation between the School and the complainant. It is not to respond to: demands for compensation, staff disciplinary action, public apologies or exclusions of other students within the school.
- Note: Child Protection/Safeguarding Procedures within the school must be followed. Allegations against staff of this nature must be reported directly to the Deputy Headteacher/Assistant Headteacher in charge of Child Protection. Allegations against the Deputy Headteacher should be reported to the Head of School. Allegations against the Head of School should be reported to the Chief Executive Officer/Chair of Governors.

5. Pursuing the complaint beyond the Trust's jurisdiction

5.1 The outcome letter from the Complaints Panel exhausts the 3 Stage procedure. If the complainant is dissatisfied with the process, they are at liberty to contact the ESFA

Ministerial and Public Communications Division
Department for Education
2nd Floor, Store Street,

Piccadilly Gate
Manchester, M1 2WD

6. Additional notes re the policy and associated procedure

Serial or persistent complainants

- 6.1 If at any level a complainant attempts to reopen an issue or a closely related issue that has already been dealt with under this complaints policy and procedure, the Chief Executive Officer will write to the complainant to inform him/her that the procedure has been exhausted and the matter closed; that continued correspondence on the same matter is vexatious³, and that the Trust will not respond to any further correspondence on this issue or a closely related issue.
- 6.2 Note that this response will only be invoked when the issue has already been dealt with under the terms of this procedure. If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond, given that such a course of action does not represent a good use of the school's time or resources.

Record retention

- 6.3 A written record will be kept of all complaints that were resolved at the formal stage of the complaints procedure. Records will contain details of whether the complaint was resolved at Stage 2 or Stage 3. The action taken by the school or by the Trust as a result of a complaint (regardless of whether they are upheld) will also be recorded.
- 6.4 Records will be securely stored, with the appropriate access in place. All written records of complaints will be kept for a period of 6 years after the complaint has been resolved, so that the school or the Trust can evidence the action taken, and for the purpose of legal defence of any claim against the school or the trust, after which they will be destroyed, unless they are needed pursuant to an ongoing legal action in which case the period will be extended until six (6) years after the end of that legal action.

Confidentiality

- 6.5 Any data given will securely transmitted (electronically/otherwise) for use by those entitled to see the information as part of the investigation process. Correspondence, statements and records relating to individual complaints will be kept strictly 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 to them.

³ Defined in the Advice document as 'manifestly unjustified, inappropriate or improper use of a formal procedure'

Policy for unreasonable complainants (as per the DfE's Best Practice Advice for School Complaints 2016)

- 6.6 The Trust is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. The Trust will not normally limit the contact complainants have with the school. However, the Trust does not expect its staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.
- 6.7 The Trust defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the school, hinder its consideration of theirs or other people's complaints'. And 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 including referral to the Department for Education
 - 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

- 6.8 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
 - using 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
- 6.9 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 (by either letter, phone, email or text) as it could delay the outcome being reached.
- 6.10 Whenever possible, the Chief Executive Officer or designate will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.
- 6.11 If the behaviour continues the Chief Executive Officer or designate will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contacts a Trust school, and causes a significant level of disruption, the Trust may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six (6) months.
- 6.12 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 banning an individual from the school premises by the Chief Executive Officer or designate.

7. Policy for unreasonable complainants

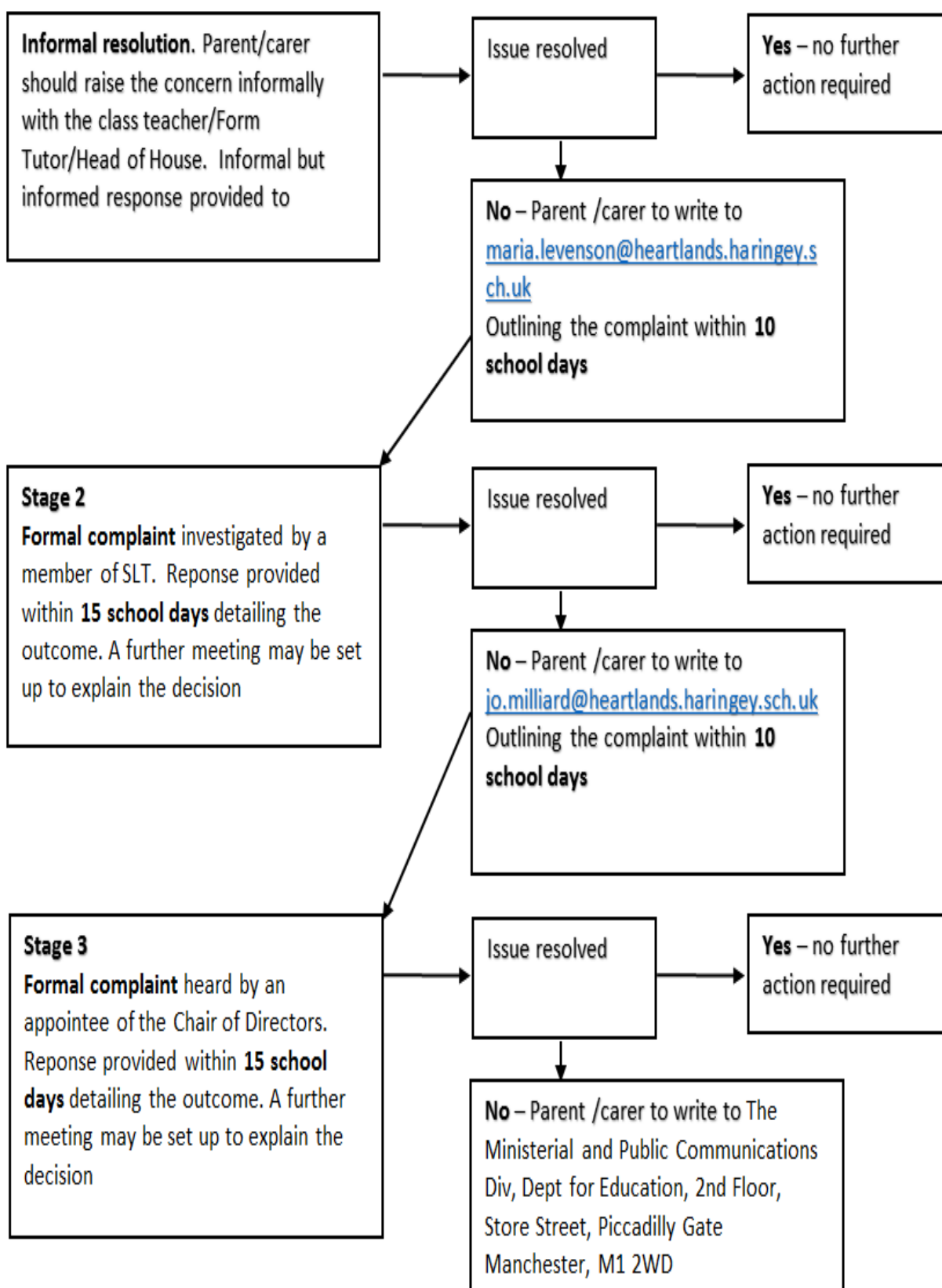
- 7.1 Although fulfilling a public function, schools are private places. The public has no automatic right of entry. The Trust will therefore act to ensure that schools remain a safe place for students, staff and other members of our community.
- 7.2 If a parent's behaviour is a cause for concern, the Trust can ask him/her to leave school premises. In serious cases, the Chief Executive Officer or designate can notify them in writing that their *implied licence* to be on school premises has been temporarily revoked (in line with the Trust's Scheme of Delegation and processes therein) subject to any representations that the parent may wish to make. The Trust will always give the parent the opportunity to

formally express their views on the decision to bar in writing, and any ban will be subject to review.

8. The Data Protection Act 2018 and GDPR

- 8.1 Under the Data Protection Act 2018 and GDPR, the information collected/processed under this policy *may* be classified as personal data. The legal bases for processing this personal data will be dependent upon the complaint, but typically be legitimate interest or public task. This data will be processed to fulfil the purposes for which it was collected, but may be copied and securely transmitted electronically to authorised persons (as required) as part of the complaints process. The data will be stored confidentially and retained in line with the Trust policy.
- 8.2 If you have any queries or requests at any time concerning your personal information held by the Trust or its practices in this regard, please write to: The Data Protection Officer, Heartlands Community Trust, Station Road, Wood Green, London, N22 7ST or email office@heartlands.haringey.sch.uk.

Complaints flowchart: Critical timeline



What action, if any, have you already taken to try to resolve your complaint? (i.e. have you spoken with or written to, and what was the outcome?)

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

Signature: _____ **Date:** _____

For school use only

Date form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:			
Date:			