

HARBOURSIDE LEARNING --- Partnership

Complaints Policy

Committee:	Achievement & Standards
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Additional School Procedure	
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1. Introduction

1.1 Harbourside Learning Partnership ('the Partnership') undertakes to provide a friendly, safe and secure environment in which pupils will be supported and nurtured to achieve their potential, both academically and socially. We recognise, however, that sometimes things can go wrong and parents/carers may need to raise a concern or make a complaint. This policy explains how concerns or complaints can be raised.

The majority of issues raised are concerns rather than complaints. The Partnership is committed to taking concerns seriously, at the earliest stage, so that the community is served in the best possible way. It is the Partnership's desire to keep the number of formal complaints to a minimum and avoid formal procedures wherever possible. For a complaint to be investigated, it needs to be made as soon as possible following the incident. If a complaint is older than six months it cannot be considered, unless the complaint raises issues perceived to be of a safeguarding nature.

1.2 The aim of this policy is to resolve any concern or complaint as fairly and speedily as possible. All complaints will be dealt with in a sensitive, impartial and confidential manner. Any complaints found to be malicious may incur appropriate action by the Partnership. Any complaints concerning the conduct of staff within the Partnership will be handled in accordance with the Partnership's internal disciplinary procedures. Such an investigation will remain confidential and therefore the specific outcome of this will not be shared with parents/carers.

Individuals contacting the Local Authority, central Partnership staff or Trustees regarding a school complaint will be advised to contact the school directly. The Partnership staff will provide advice and support to Headteachers and Governors in the execution of this policy.

1.3 The Partnership's definition of a complaint is 'an expression of dissatisfaction or disquiet which requires a response'.

2. Principles of the Complaints Policy

An effective complaints procedure shall:-

- Encourage resolution of problems by informal means wherever possible.
- Be easily accessible and publicised.
- Be simple to understand and use.
- Be impartial.
- Be non-adversarial.

- Allow swift handling with established time-limits for action and keeping people informed of the progress.
- Ensure a full and fair investigation by an independent person where necessary;
- Respect people's desire for confidentiality.
- Address all the points at issue and provide an effective response and appropriate redress, where necessary.
- Provide information to the school's senior management team so that services can be improved (i.e. learning from feedback).
- Have due regard to the principles of the Equality Act 2010 and how they impact upon schools, parents, carers and children/young people.

3. Scope of this Complaints Policy

3.1 This policy covers all complaints with the exceptions listed below for which there are separate (statutory) procedures:

- Admissions arrangements;
- Exclusion of children/young peoples from school;
- Statutory assessments of special education needs;
- School re-organisation proposals subject to statutory procedures;
- Matters likely to require a Child Protection Investigation;
- Whistle-blowing;
- Staff grievances and disciplinary procedures;
- Complaints about services provided by other providers, such as contractors.

3.2 Complaints that have already been investigated cannot be considered again. Legal, safeguarding or disciplinary proceedings may take precedence over complaints procedures and timescales.

3.3 If there is a risk that dealing with a complaint might prejudice a concurrent consideration, the complaints procedure will be suspended until the concurrent consideration is concluded. Once the concurrent consideration is concluded, the complaint can be investigated as appropriate.

4. Raising a concern or making a complaint

Please see Appendix 2 for an outline of the school complaints procedure flowchart.

There are three main stages to the complaints procedure:

- Stage 1 – A concern is raised informally and dealt with by a staff member.
- Stage 2 – A formal complaint is heard by the Headteacher. Formal procedures are only invoked when initial informal attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.
- Stage 3 – Complaint is heard by a Complaints Panel.

4.1 Stage 1: Raising informal complaints or concerns

The Partnership takes any concerns or informal complaints very seriously and its schools will endeavour to resolve issues informally wherever possible to prevent matters escalating to the formal procedure. Concerns can be raised with any school within the Partnership at any time and will often generate an immediate response to resolve the concern. Parents/carers should ideally make their first contact with the pupil's class teacher although in practice a concern can be raised informally with any member of school staff who will direct it accordingly. It is important for parents/carers to recognise that a school is a busy organisation and it may not be possible to offer a response or appointment immediately. On some occasions, even informal concerns may require some investigation or discussion with others, in which case you will receive an informal but informed response as soon as possible and ideally within five school days. The vast majority of concerns will be satisfactorily dealt with in this way.

4.2 Stage 2: Formal complaint heard by the Headteacher

Formal complaints should be made to the Headteacher; any formal complaint made to another member of staff, Governor or Trustee will be passed to the Headteacher (unless the complaint relates to the Headteacher which requires a separate process detailed later in this policy). A formal complaint can initially be made through any communication means – in person, telephone, email, in writing. However, regardless of any verbal communication, all formal complaints must be presented in writing (including email) otherwise they will not be treated as a formal complaint. Complainants can use the complaints form in Appendix 1 if they wish although this is not a requirement. The school will acknowledge receipt of the complaint as soon as possible and certainly within three working days of receiving it. Complaints made outside of term time will be deemed to have been received on the first school day after the holiday period. In many cases this initial response will also report on the action the school is taking to resolve the issue or how it intends to go about any necessary investigation. It is likely that a meeting will be convened to discuss the matter further. The Headteacher will investigate the complaint and respond to the Complainant in writing as soon as possible and certainly within 10 school days of the date of receipt of the complaint.

The Headteacher will determine whether the gravity of an anonymous complaint warrants its investigation.

4.3 Stage 3: Complaint heard by a Complaints Panel

If the Complainant remains dissatisfied after stage 2, they may request for the complaint to be escalated to stage 3. However, complaints must have been considered by the first two stages before it will be accepted by a Complaints Panel.

The Complainant must write to the Chair of the Local Governing Body giving details of the complaint and requesting that the complaint is heard by a Complaints Panel; any such complaints received by Trustees will be directed to the Chair of the Local Governing Body.

The Chair of the Local Governing Body will determine whether the gravity of an anonymous complaint warrants its investigation.

The Chair of the Local Governing Body, usually through the Clerk, will acknowledge in writing (or by email) receipt of the complaint within 3 school days. Complaints made outside of term time will be deemed to have been received on the first school day after the holiday period. The Clerk to the Local Governing Body will arrange for the Complaints Panel to be convened at a date and time convenient to all parties but within 15 school days of receipt of the complaint. The Complaints Panel will be made up of three members: two Governors from the Local Governing Body and one Trustee. None of the panel members can have had any previous involvement with the complaint. The Complaints Panel will appoint a Chair from within their members.

The Complainant and the Headteacher will be notified in writing of the arrangements for the hearing and will be informed that they have the right to be accompanied at the hearing if they wish, for example by a friend, advocate or interpreter. The Complainant will be invited to submit, if they haven't already done so, full details of the aspects of the complaint that they wish to be considered. The Headteacher will be asked to submit a statement outlining the findings of his/her previous investigation. The Complainant and the Headteacher both have the right to submit any further documents they perceive to be relevant to the complaint. Both parties should send their documentation to the Clerk to the Local Governing Body at least five school days before the complaint hearing so that it can be circulated to all participants; documentation received after this point cannot be considered.

The Complaints Panel will take the following points into account, bearing in mind that each party will be given the opportunity to state their case and ask questions, and any written material will be seen by all parties.

- The hearing will be as informal as possible.
- The hearing will be clerked.

- 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 be followed by their witnesses.
- The Headteacher may question both the Complainant and the Witnesses after each has spoken.
- The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The Complainant may question both the 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 Headteacher is then invited to sum up the school's actions and response to the complaint.
- The Chair explains that both parties will be written to within 5 school days of the hearing, setting out the panel's decision(s). This letter must also explain what the Complainant needs to do if he/she wishes to take the matter further (although it should be noted that the decision of the Complaints Panel is final - the school and Partnership cannot revisit the same complaint).
- Both parties leave together while the panel decides on the issues.

In reaching a decision, 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 the school's systems or procedures to ensure that problems of a similar nature do not recur.

5. Making a complaint against a Headteacher

5.1 Where a formal complaint is made against the Headteacher, this should be submitted in writing to the Partnership Chief Executive Officer. The complaint will be managed in line with Stage 2. Where the complaint is not successfully resolved through stage 2, the Complainant can escalate the complaint in line with Stage 3.

6. Making a complaint against a member of the Partnership Central Team

6.1 A formal complaint against the Chief Executive Officer should be submitted in writing to the Chair of Trustees. This will be managed in line with Stage 3, although the Complaints Panel will be composed of Trustees rather than Local Governors.

6.2 A formal complaint against any other member of the Partnership's central team should be submitted in writing to the Chief Executive officer. Such complaints will be managed in line with Stage 2 and may be escalated to Stage 3 if no resolution is reached. In such cases, the Complaints Panel will be made up of Trustees.

7. Exhausting the complaints procedure

7.1 The schools' complaints procedure has been exhausted if a complainant has worked through the adopted procedure and has an outcome from a Complaints Panel at Stage 3. The complainant has no further recourse with the school or Partnership at that stage. Should a complainant feel dissatisfied with the stage 3 outcome and wish to take this further, they may consider raising their complaint with the Education Skills and Funding Agency (ESFA). The process for this is readily available online or can be provided by the school offices.

7.2 A complaint can be taken to Ofsted if:

- The complainant has already followed the school's complaints procedure, and has approached the ESFA
- The complainant thinks a school isn't run properly and needs inspecting

NOTE: Allegations of abuse involving any member of the Partnership's staff must be reported directly to the school's Headteacher. Allegations of abuse involving the Headteacher or staff within the central Partnership team must be reported directly to the Chief Executive Officer.

Appendix 1 - Complaint Form

Your name:
Child/young person's name:
Your relationship to the child/young person:
Your Address:
Daytime telephone number:
Evening telephone number:
Email:
Please give concise details of your complaint, what you think the School did wrong or did not do. Include dates, names of witnesses etc.
What action, if any, have you already taken to try to resolve your complaint? (Who have you spoken with or written to and what was the outcome?).

What do you think the School should do to resolve matters at this stage?

Please list any paperwork you are attaching:

Signature:

Date:.....

Appendix 2

Outline School Complaints Procedure: Flowchart

