



# Haberdashers' **WEST MIDLANDS ACADEMIES TRUST**

## **HWMAT COMPLAINTS POLICY 2023-2026**

### **HABERDASHERS' ADAMS**

### **HABERDASHERS' ABRAHAM DARBY**

<b><u>HWMAT COMPLAINTS POLICY 2023-2026</u></b>	
<b>Named Responsibility of Policy</b>	<b>Mr G Hickey – Headmaster Haberdashers' Adams Mrs J Edgar – Principal Haberdashers' Abraham Darby</b>
<b>Date of Policy</b>	<b>October 2023</b>
<b>Date of next Review</b>	<b>October 2026</b>
<b>Governor Accountability</b>	<b>PSW Committee</b>

## 1. Commitment to review

This Complaints policy has been formulated to comply with Part 7 of the Education (Independent School Standards) Regulations 2014 (the regulations), as well as equality legislation and the rules of natural justice. This policy will be reviewed every three years as a trust policy by the Pupil and Staff Welfare committee who will assess its effectiveness.

It will be implemented at all trust schools without variation except for procedures specific to local circumstances as authorised by the Local Governing Body. It will be published on the schools' websites.

## 2. Definitions

A concern is defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.

A complaint is defined as 'an expression of dissatisfaction, however made, about actions taken or a lack of action' which is escalated under this policy.

In this document, the term 'complaint' includes concern where the context implies it.

An incident is defined as 'an event involving one or more students or staff of a trust school which is reported by a parent or other external party'. Such an incident can occur on or off the school premises.

A complainant is defined as 'you.'

The Chair of Governors is defined as the 'Chair of the Local Governing Body' or 'Chair.'

A 'school day' is defined as a weekday during term time, when the school is open to children. It excludes weekends, school holidays, bank holidays and staff training days. For the avoidance of doubt, term dates and holidays are published on the school's website for clarification. The school will consider complaints made outside the term time to have been received on the first school day after the holiday period.

## 3. Aims

This policy has been written to support you and all staff of the trust in the handling of complaints. It exists to ensure that all staff understand the complaint handling process and have guidance in responding to you.

The majority of issues raised by parents, students or the community are concerns rather than complaints. They are handled in accordance with Stage 1 below. The trust is committed to taking concerns seriously, at the earliest stage, in the hope of keeping the number of complaints to a minimum. The primary aim of this policy is to resolve concerns and complaints as fairly and speedily as possible.

Complaints will be dealt with in a sensitive, impartial and confidential manner, in accordance with Stages 2 to 4 below. Malicious or vexatious complaints may incur appropriate action by the school. Complaints about the conduct of staff will be handled in accordance with the school's internal disciplinary procedures and any investigation will attract appropriate confidentiality.

Responsibility for the application of this policy lies with the Local Governing Body and any disputes relating to its application will finally be determined by the Chair.

## 4. Stage 1 – Informal Resolution

It is hoped that most concerns and complaints will be resolved quickly and informally. You are strongly encouraged first to raise any concern as a Stage 1 matter.

Concerns can be raised with the school at any time and will often generate an immediate response which will resolve the concern. The school requests that you make your first contact with the student's tutor or subject teacher. If you are not satisfied with this approach you should contact either (for welfare or pastoral matters) the

Head or Deputy Head of House, or (for curriculum related matters) the relevant Head of Department or Second in Department.

It is important to recognise that the school is a busy organisation and that whilst we will do our best, it may not be possible, or necessary, to offer an appointment to discuss the concern immediately.

On some occasions the concern raised may require investigation by the individual staff member contacted, in which case you will receive an informal but substantive response within five school days. If the staff member contacted cannot resolve the matter alone, then it may be necessary to consult with other members of staff for resolution. The teacher or nominated members of staff will make a written record of all concerns and the date on which they were received. Should the matter not be resolved between you and the relevant staff member within 10 school days, then you will be advised to proceed with your complaint in accordance with Stage 2.

## 5. Stage 2: Formal Complaint to the Headmaster/Principal

If the matter cannot be resolved informally, you should, within 10 school days of a Stage 1 outcome (or within 15 school days of the relevant incident if Stage 1 is not invoked), put your complaint in writing, for the attention of the Headmaster/Principal, by post or email to the Headmaster/Principal PA briefly setting out the facts and stating what it is that you consider the school should have done or where the school has not met reasonable expectations. Any relevant documentation should also be sent at this time. For convenience of use, a template complaint form is included in this policy.

The complaint will be acknowledged as soon as practicable and at any rate within 5 school days of receipt. The Headmaster/Principal will be provided with the records of the Stage 1 procedure (if applicable) and will investigate the complaint. The scope of the investigation will be documented to ensure that all aspects are covered. The Headmaster/Principal will offer you a meeting to confirm/clarify the reason for the formal complaint and will speak to others involved. Wherever reasonably practicable, the meeting with you will take place within 15 school days of the written complaint being received.

Following the meeting, the Headmaster/Principal will put the findings of the investigation in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably practicable, this will be done within 10 school days of the meeting with you. The letter will inform you how, if you are unsatisfied with the outcome of the Stage 2 investigation, to escalate the complaint to Stage 3 of this policy.

The Headmaster/Principal may (in the Headmaster/Principals discretion and/or in the case of conflict) delegate the complaint to a member of the Senior Leadership Team to deal with otherwise, in accordance with the procedures outlined above.

Once this stage of the policy has been engaged, and at all subsequent stages, every effort should be made by you and the school staff to ensure that those considering the complaint under this policy are fully informed of all material developments in relation to it and the original incident. Operation of this policy should not frustrate or suspend usual school operations or routine management of incidents. However multiple lines of correspondence on the same issue are discouraged and may undermine satisfactory resolution of the complaint. Once a complaint is raised, resolution by those handling it will take priority.

## 6. Stage 3: Review by a Governor

If you are not satisfied with the outcome of the complaint under Stage 2 of this policy, you should write to the Chair of Governors, within 10 school days of receiving the letter confirming the Stage 2 outcome, asking for the complaint to be reviewed. The letter should be addressed to the Clerk to Governors and can be posted or hand delivered to the school or emailed to [clerk@adamsgs.uk](mailto:clerk@adamsgs.uk) clearly setting out how and why you do not accept the findings made under Stage 2.

Your letter will be acknowledged by the Clerk to Governors as soon as practicable and in any case within 5 school days of receipt. The acknowledgement will confirm the date the escalated complaint was received, the action to be taken and the indicative timeframe.

The Chair of Governors will nominate a governor, the “Reviewer” who will be provided with all the documentation relating to the complaint within 10 school days of receipt of the letter requesting a review under Stage 3, including the record of the Stage 1 procedure (if applicable), the original letter of complaint or complaint form, any ancillary documentation provided by you, material investigation records under Stage 2 and the letter of outcome under Stage 2.

The Reviewer will review all the documentation received and consider the matters raised in the complaint and the investigation carried out under Stage 2. The Reviewer may need to speak to the people involved to clarify matters. If the Reviewer deems it appropriate, you will be offered a meeting to discuss the issues raised, with the aim of reaching a mutually acceptable resolution. Such a meeting will usually take place after the review has been completed.

The Reviewer will, wherever practicable, write to you confirming the outcome of the review within 20 school days from the date that the request for a review was received. The letter will set out where the Reviewer agrees or disagrees with the findings and conclusion under Stage 2, and give reasons, as well as responding to any criticisms of the Stage 2 investigation.

The letter will inform you how, if you are not satisfied with the outcome of the Stage 3 review, to escalate the complaint to Stage 4 of this policy.

## 7. Stage 4: Appeal to Complaints Panel

If you are not satisfied with the outcome of the Stage 3 review you should write to the Clerk to Governors who will convene a meeting of the Complaints Panel (the “Panel”) for final appeal of the complaint.

The Panel will consist of three people not directly involved in the matters detailed in the complaint, one of whom shall be independent of the management and running of the school and will in normal circumstances be chaired by the Chair of Governor unless conflicted or unavailable. The Clerk to Governors will acknowledge the appeal and schedule a hearing to take place as soon as practicable and normally within 20 school days. If the Panel considers it necessary, it may require that further particulars of the appeal or any related matter be supplied in advance of the hearing. Copies of such particulars shall be supplied to all parties not later than 5 school days prior to the hearing. The Panel has discretion to agree to consider information provided after this period.

You may be accompanied to the hearing by one other person. This may be a relative, teacher, or friend. Legal representation will not normally be appropriate. In certain circumstances, the Panel may refuse a request for a particular individual to attend such a meeting, for example if there is a potential conflict of interest.

If possible, the Panel will resolve the appeal immediately without the need for further investigation.

Where further investigation is required, the Panel will decide how it should be carried out. After due consideration of all the facts they consider relevant, the Panel will reach a decision and may make recommendations, which it shall notify to you and other interested parties in writing within 10 school days of the hearing. The decision of the Panel will be final.

## 8. Referring complaints on completion of the school's proceedings

If you are not satisfied with the outcome of the school's complaints procedure, you can refer your complaint to the Education & Skills Funding Agency (“ESFA”) via the schools' complaints form by clicking on this link:

<https://www.gov.uk/complain-to-dfe>

The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn and re-determine a school's decision in respect of a complaint. It will, however, look into:

- Whether there was undue delay or the school did not comply with its own complaints policy
- Whether the school is breach of its funding agreement with the Secretary of State

- Whether the school has failed to comply with any other legal obligation.

If ESFA determines the school did not deal with the complaint properly, the school will be asked to reinvestigate the complaint. If its complaints policy is found not to meet regulations, the school will be asked to correct it accordingly.

Further information how EFSA handles complaints can be found by clicking on the following link:

<https://www.gov.uk/government/publications/complain-about-an-academy>

## 9. Formal Complaint Form - Stage 2

**See next page**



# Haberdashers' **WEST MIDLANDS ACADEMIES TRUST**

## Formal Complaint Form – Stage 2

Please complete and return to this form to Mr G J Hickey, Headmaster of Haberdashers' Adams or Mrs J Edgar Principal of Haberdashers' Abraham Darby who will acknowledge receipt and explain what action will be taken.

Your Name:	Pupil's Name:
Your Relationship to the Pupil:	Pupil's Mentor Group and House
Address and Postcode:	Daytime Telephone Number:
	Evening Telephone Number:
Full Details of the Complaint:	

What action have you already taken to try and resolve your complaint (for example, who did you speak to and what was their response)?

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

Are you attaching any additional paperwork? (If so, please give details here)

Signature:

Date:

Official Office Use Only:

Date Received

Date Acknowledgement Sent:

Name of Person Complaint Referred to:

## 10. Procedures

The school expects that complaints will be made as soon as possible after an incident arises. A complaint must be raised within 15 school days of the incident or, where a series of associated incidents have occurred, within 15 school days of the last of these incidents (in each case where Stage 1 is not invoked). The school will only consider complaints outside of this time frame if exceptional circumstances apply.

## 11. Social Media

In order for complaints to be resolved as quickly and as possible, the trust asks you not to discuss complaints publicly via social media. So far as practicable, complaints are dealt with confidentially for those involved and you also are expected to observe confidentiality. Defamatory, offensive or otherwise inappropriate comments on social media will be reported to the appropriate authorities.

## 12. Confidentiality and Retention of Records

The trust is GDPR compliant in its processes and confidentiality is maintained in all correspondence, statements and records relating to individual complaints except in limited circumstances, for example where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

Audio and video recordings of meetings or conversations (for example on mobile phones) are not usually permitted (unless a disability or special need requires it). In all circumstances, prior knowledge and consent of all parties attending must be sought before such recordings of meetings or conversations are made. Consent will be recorded in any minutes taken. Staff/Governors may deem it appropriate to check that nothing is being recorded by you before meetings or conversations take place.

A written record will be maintained centrally at the school of all formal complaints made under Stages 2 to 4 of this policy along with details of how they were determined following a formal procedure or progression to a panel hearing.

The school will record the action it takes as a result of complaints (regardless of whether they are upheld). The findings and recommendations of a panel will be available for inspection by trust members and the Headmaster/Principal on the school premises.

The Headmaster/Principal will manage the school complaints log, in which all details of a complaint and the school's response are recorded. This log is to be made available to the Chair of the Pupil & Staff Welfare committee as well as to Ofsted Inspectors.

At the end of each term the complaints log will be analysed, and root causes and any apparent themes identified. The findings will be made into a termly report that will be discussed at Senior Leadership Team meetings to address issues which occur frequently.

Governors will review these termly reports on an annual basis unless there is an incident deemed by the Headmaster/Principal to be a critical incident, such as a complaint to Ofsted or ESFA, copied to the school, or a serious safeguarding allegation, when an immediate review may take place.

## 13. Scope

Complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

are already provided for by existing statutory procedures, copies of which are available from the school or the school's website. Complaints brought under this policy may touch upon these matters but the relevant statutory procedure will take precedence.

Arrangements for handling complaints from parents of children with SEN about the school's support are within the scope of this policy.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

You should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also preclude them from considering complaints at Stage 3 of the procedure.

## 14. Complaint Campaigns

A complaint campaign can be defined as:

- The school receiving a number of complaints all based on the same subject
- The school receiving multiple complaints from complainants unconnected to the school.

In the event of a complaint campaign, the school reserves the right not to respond to each complaint individually but will either:

- Send a template response to all complainants or
- Publish a single response on the school's website.

## 15. Expectations of behaviour; persistent or vexatious complaints/ harassment

The trust and its schools are fully committed to the sustained improvement of our schools. Where concerns are raised by parents, carers, staff, students, the wider community, or simply through the continual and thorough self-evaluation process, we will investigate these matters thoroughly. We welcome feedback and will always try to resolve any concerns as quickly as possible. This policy is for parents, carers and members of the public to use if they wish to make a formal complaint.

In all matters relating to the school, as per the home-school agreement and the expectations we have of our community, parents, carers and members of the public are expected to conduct themselves with the same high standards the governing body expects of its staff and students.

The governing body will not tolerate any form of physical or verbal aggression or threatening or harassing behaviour towards any members of staff, students, governors or other parents/carers. The schools' value good relationships and wish them to be built in a civil and reasonable manner.

### Expectations of the school

Parents/carers/members of the community/public who raise either complaints or concerns with the school can expect the school to:

1. regularly communicate concerning the existence and review of the school's complaints policy.
2. respond within a reasonable time.
3. be available for consultation within reasonable time limits bearing in mind the needs of the students within the school and the nature of the complaint.
4. respond with courtesy and respect.
5. keep complainants informed of progress towards the resolution of the issues raised.

## Expectations of parents/carers/members of the community/public

The school expects parents/carers/members of the community/public who wish to raise problems with the school to:

1. treat all school staff calmly and with courtesy and respect and respect the needs and well-being of students and staff in the school.
2. avoid any aggression, verbal abuse or otherwise threatening behaviour to individuals or property.
3. allow the school a reasonable time to respond.
4. (in the case of a complaint) follow the school's complaints procedure.
5. attend appointments to discuss the complaint when requested.

In this clause:

Vexatious means: -

- where someone raises their voice, uses threatening (or equally inappropriate) language, or is aggressive, whether in face-to-face conversation or otherwise.

Persistent means: -

- actions which are unreasonably prolific or repetitious.

Harassment means actions which:

- appear to be targeted over a significant period of time on one or more members of school staff.
- cause ongoing distress to the individual member of school staff; and/or
- are pursued in a manner which is perceived as intimidation and/or oppressive by the recipient.

### The school's action in the case of persistent or vexatious complaints or harassment:

If a member of the school community feels that a parent/carer/member of the public is acting inconsistently with the expectations above, then they may report this behaviour, in writing, to the Headmaster/Principal. The SLT will discuss this further and consider action or referral to a governor or the Chair of Governors. The governing body reserves the right to close any complaint (assuming a formal procedure has been engaged) and having re-assured itself that the school's response to the complaint is appropriate and reasonable.

If, however, a person's action is judged to be vexatious, persistent or harassing behaviour, then action may be taken to restrict access to staff or the school site. This could take the form of:

- being refused access to any part of the school site.
- being refused access to parents' meetings.
- being refused e-mail or other access to (particular) members of staff whether accompanied or unaccompanied
- being recorded to ensure a contemporary record is made of conversations.

It could be that the person(s) is (are) not only removed from the site by the police, but also prosecuted under Anti-Harassment legislation.

Legitimate new complaints will always be considered, even if the person making them is (or has been) subject to this clause. The school nevertheless also reserves the right not to respond to communications from individuals subject to this policy if it is reasonably considered that the complainant's behaviour will be inappropriate.