



# **Hamstead Hall Academy Trust**

## **Complaints Procedure**

## The Complaints Procedure

### Stage one: Receiving a Complaint

1. A complaint from a member of the public, who is not a parent or carer of a child attending the Academy, should go directly to the principal in the first instance. Parents or carers wishing to make a complaint should, where possible, contact the member of staff concerned (which may be the executive principal) - by letter, email or telephone.
2. Whoever receives the complaint should direct the details of it to the executive principal's PA so that they can be recorded centrally, before the complaint is dealt with by the most appropriate person:
  - if the complainant wants an acknowledgement of the issue, and / or a resolution to a problem which is relatively straightforward, and / or the prevention of a recurrence, this is more likely to be suited by an informal process;
  - on the other hand, a formal process is required if the nature of the complaint is such that it requires (1) an investigation - rather than, or following, the appropriate person just "making enquiries about" or "looking into" an issue or the complaint - or (2), for the matter to be seen and recorded to have been dealt with.
3. **A complaint should be acknowledged as soon as it is received.**
4. If any member of staff receives a complaint, they should not attempt to deal with the issue but should pass it to the executive principal's PA so that it can be recorded centrally before being dealt with by the most appropriate person. Similarly, if a member of staff feels too compromised to deal with the complaint, the matter should be referred to a more appropriate member of staff.
5. Also, there will be occasions when the complainant may have concerns about discussing their complaint with a particular member of staff, if so, the complainant should be directed to address their concerns to the executive principal or a designated senior teacher.
6. Please note: if the first approach is made direct to a governor they should direct the complainant to the executive principal's PA so that it can be recorded centrally before being passed on to the appropriate person. Governors should not act unilaterally on an individual complaint outside the procedure - such action may compromise future action regarding the complaint.

## **Stage two: Complaint Dealt With By Staff Member**

7. The class teacher or appropriate member of staff or executive principal will attempt to resolve the complaint using whatever reasonable means are appropriate. This will usually involve meeting the complainant to discuss the matter further, and may also involve talking to pupils, other staff members or consulting senior staff including the executive principal.
8. If having raised their concerns with the class teacher or appropriate member of staff, the complainant is still dissatisfied, or if the class teacher or other nominated member of staff is the subject of the complaint, then the complainant should contact the executive principal (unless the executive principal is the subject of the complaint - then the complainant should contact the Chair of Governors in writing).

## **Stage three: Complaint dealt with by the Executive Principal**

9. The executive principal will attempt to resolve a complaint using whatever reasonable means are appropriate. This may involve meeting the complainant to discuss the matter further; it may also involve the executive principal or the interviewing staff members.
10. The executive principal must be allowed reasonable time to investigate the complaint and gather any information that is required. On this basis, the executive principal should aim to be able to give either verbal or written feedback to the complainant no later than 10 academic days after receipt of the complaint.
11. On some occasions the executive principal may delegate the investigation to a senior member of staff, usually a deputy or assistant head of school who has had no involvement with the case: the decision on the appropriate person rests with the executive principal.
12. If having raised concerns with the executive principal, the complainant is still dissatisfied, or if the executive principal is the subject of the complaint, then the complainant should contact the Chair of Governors in writing.

## **Stage four: Complaint Dealt With by Governing Body**

13. The Governing Body has responsibility for ensuring that any formal complaints are dealt with: **complaints must be in writing** – using a specific form if required.
14. In cases that require urgent consideration the Chair may deal with the matter exclusively and without delay.
15. Otherwise, the Chair of Governors should decide if a reasonable attempt has been made by the executive principal or other staff to address the concern or complaint. It is important that concerns or complaints are dealt with appropriately as well as properly, and that staff are not subjected to “double jeopardy”.
16. The Chair of Governors may refer to the Academy Trust for advice and guidance in deciding, and the Trust may deal with the concern or complaint if the nature of it requires this.

17. If the Chair of Governors decides that the concern or complaint has been dealt with reasonably, then the complainant should be told that, **and** that their only grounds for appeal may be on the basis of the way in which their concern or complaint was handled (and not against the decision made).
18. If the Chair of Governors decides that the concern or complaint may not have been dealt with reasonably, or that a formal appeal is appropriate, or if the executive principal is the subject of the concern or complaint, then a hearing by a Complaint Panel of the Governing Body should be arranged.
19. The Chair will ensure that a designated panel of two, four or five governors and at least one person independent of the management and running of the academy will be convened to hear the complaint.
20. Individual complaints would not be heard by the whole Governing Body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.
21. The designated governors will deal with the complaint on an impartial basis via a **panel hearing** – please refer to **Notes for Guidance**
22. It is important that any hearing is independent and impartial and that it is seen to be so: no governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
23. Also, in deciding the make-up of the panel, governors should try to ensure that it is a cross-section of the categories of governor and, as far as is practicable, sensitive to the issues of race, gender and religious affiliation.
24. The clerk to the Governing Body will normally organise the record the proceedings.
25. The aim of the hearing, which must be held in private, will always be to resolve the complaint and achieve reconciliation between the academy and the complainant.
26. The panel will:
  - Dismiss the complaint in whole or in part, or
  - Uphold the complaint in whole or in part, or
  - Where appropriate decide action to be taken to uphold the complaint, or
  - Recommend changes to the academy systems or procedures to seek to ensure that problems of a similar nature do not recur.
27. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour, and therefore it may only be possible to establish the facts and make recommendations which will satisfy the complainant that their complaint has been taken seriously.

28. Following the hearing, the complainant will receive written feedback from the clerk including any decisions, recommendations and the reasons for them and, if appropriate, the next steps. The written feedback should be issued within ten working days after the investigation has concluded.
29. If the outcome might lead to action under another procedure, e.g. disciplinary, then the complainant need only be told that appropriate action will be taken.
30. Further, there may be occasions when a panel would wish to resolve an issue by means which are clearly within the responsibility of the internal management of the academy: governors (and executive principals) need to be mindful of their roles and responsibilities in regulation.
31. This is the final step of the process for the academy (though the recommendations may be such, eg: changes in policy or practice, that it is necessary for the full Governing Body to receive a short report regarding the findings of the investigation. (Please note: this should not mention names).
32. The Chair of Governors is responsible for ensuring that the correct procedures have been followed.
33. Of course, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Governing Body will inform them in writing that the procedure has been exhausted and that the matter is now closed but that the complainant may take their complaint to the Directors of the Academy Trust. Their remit is to review due process, so there is no onus on them to re-open an investigation: they may only decide to do so if they judge that there has not been
34. due process.

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