Highams Park Academy Trust

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Policy and Procedure for Complaints

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Highams Park Academy Trust

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Introduction

Policy Aim and Statement

This Complaints Policy helps underpin the core values of Highams Park School ("the Academy"). Its aim is to ensure that a concern, difficulty or complaint is managed sympathetically, efficiently and at the appropriate level and resolved as soon as possible. Doing so is good practice, fair to those concerned and helps to promote parents' and students' confidence in the Academy's ability to safeguard and promote welfare. The Academy will try to resolve every concern, difficulty or complaint in a positive way with the aim of putting right a matter which may have gone wrong and, where necessary, reviewing the Academy's systems and procedures in the light of the matters raised.

The Academy needs to know as soon as possible if there is any cause for dissatisfaction. The Academy recognises that a concern or difficulty which is not resolved quickly and fairly can soon become a cause of resentment, which can be damaging to the relationship between the Academy and the parent and student, and can also have a detrimental effect upon the Academy's ethos and culture. Parents and students should never feel – or be made to feel – that raising a concern, difficulty or complaint will adversely affect the student's future at the Academy, or place the student at a disadvantage in any way.

Although this policy is primarily aimed at dealing with complaints from parents of registered pupils at the school, the procedures set out here will also be applied to complaints received from members of the public.

Application

The Academy is governed by the Education (Independent School Standards) (England) Regulations 2018 (as amended) ("the Regulations"). This Complaints Policy has been formulated to comply with Schedule 1, Part 7 of the Regulations, as well as equality legislation and the rules of natural justice. In the case of any variance between the procedure outlined in this Complaint's Policy and the Regulations, the procedure outlined in the Regulations will apply.

This Complaints Policy applies to all concerns and complaints of the parents of students at the Academy, other than those involving child protection issues, or relating to admissions, exclusions and SEND, for which there are separate statutory procedures. Where a complaint is made against a member of staff, depending upon the nature and seriousness of the complaint, the matter may be dealt with under separate HR procedures which are strictly confidential, rather than under this Complaints Policy.

This Complaints Policy distinguishes between a concern or difficulty, which can usually be resolved informally, and a formal complaint which will require further investigation.

The Rules of Natural Justice

Simply put, the rules of natural justice relate to fairness. The Academy will ensure that all concerns, difficulties or complaint are dealt with in accordance with the following principles:

- All parties will be provided with all information and documentation pertinent to the matters raised;
- All parties will be given the opportunity to prepare and present their case and respond to the other parties involved;
- All persons investigating and making decisions in relation to the matters raised will be impartial and will do so without bias (or apparent bias) to any party involved;
- All decisions will be made on a balanced and considered assessment of the information before the investigator only;
- All decisions will be based upon logical conclusions, and not on mere speculation or suspicion;
- All decisions will be supported by detailed reasons which will be disclosed to all parties involved.

Equality Act 2010

The Academy will deal with concerns, difficulties and complaints in accordance with its duty under the Equality Act 2010 to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and other conduct prohibited by the Equality Act 2010;
- Advance equality of opportunity between those who share a relevant protected characteristic and those who do not, by having regard to the need to:
    - remove or minimise disadvantages connected to a relevant protected characteristic; and
    - take steps to meet the different needs of those sharing a relevant protected characteristic; and
    - encourage those who share a relevant protected characteristic to participate in school life and activities in which participation is disproportionately low;
- Foster good relations between those who share a relevant protected characteristic and those who do not, by having regard to the need to:
    - tackle prejudice; and
    - promote understanding;

"Relevant protected characteristics" includes sex, race, disability, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity and (in the case of persons who are not students) marriage and civil partnership, and age.

In addition, the Academy will comply with its duty to make the following reasonable adjustments for persons with a disability:

- Where a provision, criterion or practice places a disabled person at a substantial disadvantage compared to person who is not disabled, reasonable steps must be taken to avoid that disadvantage;
- Where a disabled person would, but for the provision of an auxiliary aid, be placed at a substantial disadvantage compared with a person who is not disabled, reasonable steps must be taken to provide the auxiliary aid.

An auxiliary aid can be a piece of equipment or a service.

If a Complainant or other person involved in the complaint's procedure requires an interpreter, a signer or any other assistance at meetings or at a Complaint Panel Hearing, they should let the Academy know immediately.

Terms Used

For the purpose of this Complaints Policy, a "parent" includes the natural or adoptive parent of a student, irrespective of whether they are or ever have been married, whether they are separated or divorced, whether the student lives with them, whether the father has parental responsibility for the student or whether they have contact with the student.

A "parent" will also include a non-parent who has parental responsibility for a student, an adult non-parent with whom the student lives, and an adult who is involved in the day-to-day care of the student (for example, collecting or dropping off the student from school).

Any reference to a "student" will also include a prospective or former student of the Academy.

A person making a complaint will be referred to as a "Complainant" throughout this Complaints Policy.

Procedure

The Academy's complaints procedure consists of three stages:

- Stage 1 – Concerns and difficulties, dealt with informally;
- Stage 2 – Complaints formally investigated by the Principal (or designate);
- Stage 3 – Complaint Panel Hearing

Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to The Academy about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

The difference between a concern and a complaint

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

A complaint may be defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaint's procedure. The Academy takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Principal will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern the Principal will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, The Academy will attempt to resolve the issue internally, through the stages outlined within this complaint's procedure.

How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

Complaints against school staff (except the Principal) should be made in the first instance, to the Principal via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the Principal should be addressed to the Chair of Trustees), via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of Trustees, any individual Trustee or the whole Trustee Board should be addressed to the Company Secretary via the school office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask a third-party organisation for example like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Time scales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

Time Limits

The Academy aims to resolve concerns, difficulties and complaints in a timely manner. Time limits for each stage of the procedure are set out under each individual stage. For the purposes of this Complaints Policy, a "school day" is defined as a weekday during term time, when the Academy is open to children. The definition of "school day" excludes weekends, Academy holidays, bank holidays and staff training days. For the avoidance of doubt, term dates are published on the Academy's website, and information about term dates is made available to parents and student periodically.

Although every effort will be made by the Academy to comply with the time limits specified under each stage of the procedure, it may not always be possible to do so, for example due to the complexity or number of matters raised, or due to the unavailability of the Complainant to attend a meeting, if offered. In all cases, where a time limit cannot be complied with, the Academy will write to the Complainant within the specified time limit, setting out the reasons why the time limit cannot be complied with, and confirming the new time limit which will apply.

Scope of this complaint's procedure

This procedure covers all complaints about any provision of community facilities or services by the Academy other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
• Admissions to schools	Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.
• Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding Duty Line 020 8496 3646 (lado@walthamforest.gov.uk) or the Multi-Agency Safeguarding Hub (MASH) on 020 8496 2310.

• Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions. *complaints about the application of the behaviour policy can be made through the school's complaints procedure. http://highamsparkschool.co.uk/index.php/our-school/hp-policies/policies-1/1-behaviour-policy/file
• Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus. Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.
• Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
• Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, we will inform you of a proposed new timescale.

If a complainant commences legal action against the Academy in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

Resolution Principals

It is in everyone's interest that concerns, difficulties and complaints are resolved to the satisfaction of all parties at the earliest possible stage. The way in which the concern, difficulty or complaint is dealt with after the matter is first raised by the Complainant can be crucial in determining whether the complaint will escalate. To that end, members of staff will be periodically made aware of the procedure in this Complaints Policy, so

that they will know what to do when a concern or difficulty is raised with them.

At each stage of the complaint's procedure, the investigator will consider how the complaint may be resolved. In considering how a complaint may be resolved, the investigator will give due regard to the seriousness of the complaint. It may be appropriate in order to bring the complaint to a resolution for the investigator to offer

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

None of the above will constitute an admission of negligence or an acceptance of liability on behalf of the Academy.

Outcome Principles

Examples of outcomes include:

- There was insufficient evidence to reach a conclusion, so the complaint cannot be upheld;
- The investigation did not substantiate the matters raised, so the complaint cannot be upheld;
- The complaint was substantiated in part or full. A description should be given of the remedial action being taken by the Academy as a consequence of the complaint. Details of any disciplinary action or sanctions to be taken against a member of staff are strictly confidential and cannot be disclosed.
- The matter has been fully investigated and, as a consequence, further confidential procedures are being pursued. Details of any disciplinary action or sanctions to be taken against a member of staff are strictly confidential and cannot be disclosed.

Retention of Records

A full written record will be maintained centrally at the Academy of all formal complaints, whether they are resolved informally under Stage 1, or dealt with formally under Stages 2 to 3. However, it is recognised that in reality, most concerns, difficulties and minor complaints resolved informally under stage 1 may not always warrant a written record.

Written records will be kept of all formal complaints that are dealt with under stages 2 to 3. Written records of formal complaints resolved informally under stage 1, where they exist, should also be kept.

Records of concerns, difficulties or complaints will be destroyed when the student to which they relate reaches the age of their date of birth plus 25 years. This is also the case of a student with a statement of special educational needs, but Waltham Forest LA may keep relevant information for longer.

Confidentiality

All correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State, a school inspector, or under another legal authority.

Publication

This Complaints Policy has been ratified by the Board of Trustees, and will be reviewed every three years or earlier, if required. It will be published on the Academy's website and provided to parents on request by the Academy's office. A copy of this Complaints Policy will be provided to a Complainant when a concern, difficulty or complaint is first raised.

Vexatious or Repeated Complaints

There may be occasions when, despite a complaint being considered under all stages in this Complaints Policy, the Complainant persists in making the same complaint to the Academy. There may also be occasions when a Complainant raises unreasonable persistent complaints or raises complaints about matters which do not affect them. There may also be occasions when a complaint is made about a matter which is clearly so trivial that it would be a waste of the Highams Park School's resources to deal with it under the formal stages of the procedure. If this is the case, the procedure the school will follow can be found in the Policy and Dealing with Vexatious Complaints.

Complaint Campaigns

If the school becomes the focus of a campaign and receive large volumes of complaints all based on the same subject or from complainants unconnected to the school, then the school will;

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

Anonymous complaints

We will not normally investigate anonymous complaints. However, the Principal or Chair of Trustees, if appropriate, will determine whether the complaint warrants an investigation.

Withdrawal of a complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

Stage 1: Concerns and Difficulties

1. Concerns:
The Academy expects that most concerns and difficulties or a minor complaint, where a parent seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Examples might include dissatisfaction about some aspect of teaching or pastoral care, allocation of privileges or responsibilities, a timetable clash, an issue with the Academy's systems or equipment, or a billing error.

2. Notification:
The concern or difficulty should be raised as follows:

- Education issues – if the matter relates to the classroom, the curriculum or special educational needs, the Complainant should speak to the Subject Teacher, Form Tutor, Head of Year, Head of Department, Special Educational Needs Co-ordinator (SENCO), appropriate Vice Principal or appropriate Deputy Principal, generally in the order shown but as appropriate.
- Pastoral care – for concerns relating to matters outside the classroom, the Complainant should speak to the Form Tutor, Head of Year, appropriate Vice Principal, or appropriate Deputy Principal generally in the order shown but as appropriate.
- Disciplinary matters – a problem over any disciplinary action taken or a sanction imposed should be raised with the member of staff who imposed it in the first instance. If not resolved, the Complainant should speak to the relevant Head of Department, Head of Year, Vice Principal or Deputy Principal.

- Financial and administrative matters – a query relating to fees, extras or other administrative matters should be raised by the Complainant with the Chief Finance Officer.
- An issue with a specific member of staff – often, the best way to resolve an issue with a specific member of staff is to raise it with that member of staff directly, so that they are given the opportunity to address and resolve the concern or difficulty before it becomes a formal complaint. If the Complainant feels uncomfortable doing this, however, the issue should be raised with the appropriate Head of Department, Head of Year, Vice Principal or Deputy Principal generally in the order shown but as appropriate.

Should a concern or difficulty be raised with a member of staff who feels that they are not the best person to be dealing with it, they will refer it to the Head of Department, Head of Year, appropriate Vice Principal or appropriate Deputy Principal or other designated member of staff generally in the order shown but as appropriate.

If a concern or difficulty is raised with a member of staff who feels that it raises serious issues which should be dealt with as a formal complaint immediately, the member of staff will tell the Complainant that they should put their complaint in writing to the Principal under Stage 2 of this Complaints Policy. If the Complainant would prefer to complete a form instead of writing a letter, the Complainant can complete the Complaint Form contained in Appendix 1 of this Complaints Policy to submit their complaint formally. Under the Equality Act 2010, where a complainant has a different communication preference due to; disability, learning difficulties or difficulties using English alternative contacts of communication such as in person, by telephone or via a third party acting for the complainant may be used. Written consent from the complainant will be obtained before disclosing any information to a third party. Written consent from the complainant will be obtained before disclosing information to a third party.

3. Unresolved Concerns and Difficulties

The Academy will aim to resolve a concern or difficulty within fifteen school days of the date that it was raised. Where a concern or difficulty has not been resolved by informal means within this time limit from the date that it was raised, the complainant can submit the matters raised as a formal complaint under Stage 2 of this Complaints Policy.

Stage 2: Formal Complaint

4. Notification

A concern or difficulty raised under Stage 1 of this Complaints Policy which remains unresolved after fifteen school days, or a serious matter which requires formal investigation from the outset, should be set out in writing and sent to the Principal at the Academy. Should a formal written complaint be received by another member of the Academy's staff, they will immediately be passed on to the Principal.

The Complainant should clearly set out the matters in dispute, the relevant dates, the full names of the persons involved and what the Complainant believes the Academy should do to resolve the complaint. Any documentation relied upon by the Complainant should be attached to the formal complaint.

5. Acknowledgement

The formal complaint will be acknowledged in writing within five school days of receipt. The acknowledgement letter will confirm the date that the formal complaint was received, the action to be taken and the specified time limit.

6. Investigation

The Principal will be provided with the records of the Stage 1 informal procedure (if applicable) within five school days of receipt of the formal complaint, and will then proceed to investigate the complaint. This will involve obtaining and considering all documentation held by the Academy which is relevant to the complaint. If further information is required from the Complainant, this may be requested from them over the telephone or in writing.

The Principal will speak to the persons who were involved in the matters raised by the Complainant. Where necessary, students will only be spoken to with an independent member of staff present to support them. Where there is an issue about the conduct of a member of staff, that member of staff will be offered the option of having another member of staff present. Other members of staff will be spoken to alone. A written record of the conversation will be made, and the student/pupil or member of staff spoken to will be asked to read, sign and date the written record to confirm that it is accurate. In the case of student/pupil, the accompanying independent member of staff will also be asked to sign and date the record of the conversation.

If the Principal deems it to be appropriate in relation to the matters raised, the Complainant will be offered a meeting to discuss the issues raised. This may take place at the beginning of the investigation to clarify any matters which are unclear, or after the investigation has taken place with the aim of reaching an amicable resolution.

7. Outcome

The Principal will write to the Complainant confirming the outcome of the investigation within twenty school days from the date that the complaint was received. The letter will set out the individual matters raised by the Complainant, the findings made by the Principal during the course of the investigation, and the conclusion reached.

The letter will inform the Complainant that, if they are unsatisfied with the outcome of the Stage 2 investigation, they should write to the Company Secretary within five school days of receipt of the letter asking for their complaint and the Stage 2 investigation to be reviewed by the Complaint Panel under Stage 3 of this Complaints Policy.

Where the complaint was received during a school holiday or within twenty days from the end of a term or half term, the Principal will endeavour to expedite the investigation wherever possible.

Any decision made by a school, will be made in line with the principles of administrative law. This means a decision is:

- lawful - it complies with education and other law, including human rights and equality law, such as the Human Rights Act 1998 and the Equality Act 2010
- rational
- reasonable
- fair
- proportionate

8. Delegation

In appropriate cases, the Principal may delegate the complaint to a member of the Senior Leadership Team to deal with in accordance with the procedure outlined above.

If the complaint is about the Principal, or a member of the Board of Trustees (including the Chair or Vice-Chair), a suitably skilled Trustee will be appointed to complete all the actions at Stage 2.

Complaints about the Principal or member of the Board of Trustees must be made to the Company Secretary, via the school office.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Board of Trustees or
- the majority of the Board of Trustees

Stage 2 will be considered by an independent investigator appointed by Highams Park Academy Trust Members. At the conclusion of their investigation, the independent investigator will provide a formal written response.

Stage 3: Panel Hearing

9. Notification

If the Complainant is unsatisfied with the outcome of the review under Stage 2 of this Complaints Policy, the Complainant may write to the Company Secretary requesting a Complaint Panel Hearing. The Complainant should write to the Company Secretary within five school days of receiving the letter confirming the outcome following Stage 2.

The Complainant should not repeat the matters raised in their original letter or attach documentation already provided, but should clearly set out how and why the Complainant does not accept the findings made under Stage 2.

10. The Complaint Panel

The Complaint Panel will consist of three persons appointed by or on behalf of the Board of Trustees by the Company Secretary. None of the three Complaint Panel members will have been involved in the matters which gave rise to the complaint, have been involved in dealing with the complaint previously or have any detailed prior knowledge of the complaint. Two of the Complaint Panel members may (but do not have to) be Trustees. The third Complaint Panel member will be independent of the management and running of the Academy, i.e. they will not be a member of staff or a Trustee, and will not be linked to the Academy in another way, for example as a parent of a student at the Academy. The independent Complaint Panel member will be the Chair of the Complaint Panel.

The Department for Education has issued guidance in relation to the appointment of the independent Complaint Panel member as follows:

> Whilst we do not wish to be prescriptive about who schools should appoint as an independent person, our general view is that people who have held a position of responsibility and who are used to analysing evidence and putting forward balanced arguments would be suitable. Examples of persons likely to be suitable are serving or retired business people, civil servants, heads or senior members of staff at other schools, people with a legal background and retired members of the police force... Schools will of course have their own views.

11. Attendance

The Complainant may attend the Complaint Panel Hearing, and may be accompanied by another person. For the avoidance of doubt, the Complainant's supporter will be present for moral support only and will not play any part in the proceedings, unless invited to do so by the Chair of the Complaint Panel, entirely at their discretion and for a good reason. The Complaint Panel Hearing is not a legal hearing and it is not appropriate for either the Complainant or the Academy to be legally represented.

The Complaint Panel Hearing will be minuted by the Clerk to the Complaint Panel.

12. Convening the Complaint Panel Hearing

After selecting the Complaint Panel members, the Company Secretary will write to the Complainant within five school days acknowledging receipt of their request and informing them of the names of the Complaint Panel members. If the Complainant objects to any of the named persons being appointed to the Complaint Panel, they should notify the Company Secretary within three school days of receipt of the letter. Fair consideration will be given to any bona fide objection to a particular member of the Complaint Panel.

The Company Secretary will liaise with the Complaint Panel, the Complainant and the Academy's Representative to agree a mutually convenient date for the Complaint Panel Hearing, which will usually take place within twenty school days of receipt of the Complainant's request, unless there are exceptional circumstances.

The Company Secretary will write to the Complainant confirming the date of the Complaint Panel Hearing within five school days of the date that the acknowledgement letter was sent (or the date that the new

Complaint Panel member was selected, if an objection was received and upheld). If the Complaint Panel Hearing will not take place within twenty school days of receipt of the Complainant's request, the letter will set out the exceptional circumstances involved.

13. Documentation

The Company Secretary will forward a copy of all paperwork relating to the complaint (consisting of the record of the Stage 1 informal procedure (if applicable), the original letter of complaint or Complaint Form, any documentation provided by the Complainant with their complaint, all investigation records under Stage 2 with the letter of outcome and the Complainant's letter requesting a Complaint Panel Hearing and accompanying documents) to the Complainant, the Academy's Representative and the three Complaint Panel members.

The names of individuals other than the Complainant, the Complainant's family, members of the Academy's staff and Trustees, will be redacted and replaced with a letter relevant to that particular individual (for example "Jane Brown" will be replaced with "A" throughout, "John Jones" will be replaced with B throughout) unless they have provided their written consent for their name to be disclosed.

If the Complainant wishes the Complaint Panel to consider any additional information, they should forward this documentation to the Company Secretary to arrive at least five school days before the Complaint Panel Hearing, to enable the Company Secretary to forward it to the Academy's Representative and the Complaint Panel members.

14. Witnesses

The Chair of the Complaint Panel will decide, at their absolute discretion, which witnesses will be permitted to attend the Complaint Panel Hearing to give a verbal statement rather than relying on a written statement or record of meeting which have been signed by the witness.

If the Complainant wishes to rely on the account of a witness, they should ask the witness to write down, sign and date their account and forward it to the Company Secretary at least five school days before the Complaint Panel Hearing, to enable the Company Secretary to forward it to the Academy's Representative and the Complaint Panel members.

Witnesses under the age of eighteen other than the Complainant's own family will only be allowed to attend the Complaint Panel Hearing at the discretion of the Chair of the Complaint Panel, and then only if they are accompanied by one of their parents or carers. Any written accounts provided by the Complainant relating to witnesses under the age of eighteen must be signed and dated by the witness and one of the witness' parents or carers.

Members of staff of the Academy involved in the matters which gave rise to the complaint will usually have provided a signed written account or have signed a note of a meeting during the previous stages, which will be forwarded to all parties with the other complaint documentation in the usual way. Members of staff will not usually be required to attend the Complaint Panel Hearing to give a verbal statement unless their conduct is in issue or their account is contentious and the rules of natural justice dictate that the Complainant should be allowed to ask that member of staff questions.

15. Procedure at the Complaint Panel Hearing

The Complaint Panel Hearing will be conducted as follows:

- The Clerk to the Complaint Panel will greet the Complainant, the Complainant's supporter and the Academy's Representative and welcome them into the room where the Complaint Panel has convened (any witnesses will remain outside of the room until they are called in to give their account);
- The Complainant will be invited by the Complaint Panel to give an account of their complaint;
- The Academy's Representative will be invited to ask the Complainant questions, if any;
- The Complaint Panel will ask the Complainant questions, if any;
- At the discretion of the Chair of the Complaint Panel, the Complainant's first witness will be invited into

the room to give an account of what they saw or know;

- The Academy's Representative will be invited to ask the Complainant's witness questions, if any;
- The Complaint Panel will ask the Complainant's witness questions, if any;
- The Complainant's witness will be asked to leave the room;
- If the Complainant has any further relevant witnesses, at the discretion of the Chair of the Complaint Panel, they will be invited into the room individually to provide their accounts and be questioned as outlined above;
- The Academy's Representative will be invited by the Complaint Panel to respond to the complaint and make representations on behalf of the Academy;
- The Complainant will be invited to ask the Academy's Representative questions, if any;
- The Complaint Panel will ask the Academy's Representative questions, if any;
- At the discretion of the Chair of the Complaint Panel, the Academy's relevant first witness will be invited into the room to give an account or what they saw or know;
- The Complainant will be invited to ask the Academy's witness questions, if any;
- The Complaint Panel will ask the Academy's witness questions, if any;
- The Academy's witness will be asked to leave the room;
- If the Academy has any further relevant witnesses, at the discretion of the Chair of the Complaint Panel, they will be invited into the room individually to provide their accounts and be questioned, as outlined above;
- The Complainant will be invited by the Complaint Panel to summarise their complaint;
- The Academy's Representative will be invited by the Complaint Panel to summarise their response to the complaint and the Academy's stance;
- The Complaint Panel Hearing will conclude and the Complainant and the Academy's Representative will be asked to leave.

16. The Complaint Panel's Decision

The Complaint Panel will convene in private, either immediately after the Complaint Panel Hearing or on a subsequent date, and will consider all of the documentation and everything that they have heard at the Complainant Panel Hearing and make:

Findings of Fact

- The Complaint Panel will decide which facts are established to be true, on a balance of probabilities (i.e. more likely than not). If a fact is not deemed relevant, the Complaint Panel will not consider it further. The Complaint Panel will make a written record of the facts that have been established, those which have not been established and those which are not relevant, with their reasons for making these findings.

Recommendations

- The Complaint Panel will consider the facts which they have established and will make recommendations based upon them. These recommendations may be aimed at achieving reconciliation between the parties (for example, a written apology), improving procedures or preventing a recurrence in the future. The Complaint Panel will keep a written record of their recommendations, with reasons.

17. Notification of the Complaint Panel's Decision

The Company Secretary will write within ten school days of the Complaint Panel Hearing to the:

- Complainant;
- the Academy's Representative;
- Any person complained about;

The letter will identify each of the issues complained about, summarise how the Complaint Panel Hearing proceeded, and confirm each of the Complaint Panel's findings of fact and recommendations, if any, with reasons. The letter will also confirm that, if the Complainant believes that this Complaints Policy does not comply with the Regulations, or that the Academy has not followed the procedure outlined in this Complaints Policy, the Complainant may refer their complaint to the DfE for further consideration.

The Company Secretary will also ensure that a copy of the Complaint Panel's findings and recommendations are made available on the Academy's premises for inspection by the Trust, the Local Board of Trustees and the Principal.

18. Factors for the Complaint Panel to Consider

- It is important that the Complaint Panel Hearing is independent and impartial, and that it is seen to be so. No person may sit on the Complaint Panel if they have had a prior involvement in the matters which gave rise to the complaint, in dealing with the complaint in the previous stages, or have a prior detailed knowledge of the complaint;
- The aim of the Complaint Panel Hearing, which must be held in private, will always be to resolve the complaint and achieve reconciliation between the Academy and the Complainant. However, it has to be recognised that the Complainant may not be satisfied with the outcome if the Complaint Panel does not find wholly in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the Complainant that their complaint has been taken seriously;
- An effective Complaint Panel will acknowledge that many Complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The Chair of the Complaint Panel will ensure that the Complaint Panel Hearing is as welcoming as possible, while ensuring that it is procedurally fair to all parties. The layout of the room will set the tone and care is needed to ensure the setting is informal and not substantially adversarial;
- Extra care needs to be taken when the Complainant is a child, or there are child witnesses present. Care should be taken to ensure that the child does not feel intimidated. The Complaint Panel should be aware of the views of the child and give them equal consideration to those of the adults present. Where the child's parent is the Complainant, it would be helpful to give the parent the opportunity to suggest which parts of the hearing, if any, the child should attend, with the Chair retaining discretion;
- The Complaint Panel should ensure that they are familiar with the complaint's procedure in advance of the Complaint Panel Hearing.

The Chair of the Complaint Panel will play a key part at the Complaint Panel Hearing, ensuring that:

- The remit of the Complaint Panel is explained to the parties and each party has the opportunity of making representations without undue interruption;
- All of the issues raised in the complaint are addressed;
- Key findings of fact are made, on a balance of probabilities;
- Each party treats the other with respect and courtesy;
- The Complaint Panel is open minded and acts independently of the Academy;

- No member of the Complaint Panel has a vested interest in the outcome of the proceedings;
- Each side is given the opportunity to state their case and ask questions;

All written material is seen by all parties. If a new issue arises during the course of the Complaint Panel Hearing, it would be useful to give all parties the opportunity to consider and comment on it.

Referral to the Department for Education (DfE)

Once a complaint has been through all the stages of this Complaints Policy, if the Complainant believes that this Complaints Policy does not comply with the Regulations, or that the Academy has not followed the procedure in this Complaints Policy, the Complainant can refer the complaint to the DfE for consideration.

The DFE will not normally reinvestigate the substance of complaints or overturn any decisions made by the school. They will consider whether The Academy has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed Part 7 of the Education (Independent School Standards) Regulations 2014.

The complainant can refer their complaint to the DFE online at:
https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy#contacting-dfe

Appendix 1 – Formal Complaint Form

Please complete and return to the School who will acknowledge receipt and explain what action will be taken.

Your name	
Student's name and Tutor group	
Your relationship to the pupil e.g. mother, father, carer etc.	
Address:	
Postcode:	
Contact telephone number:	
Please give details of your complaint.	

What action, if any, have you already taken to try and resolve your complaint. Please include who you spoke to, when did you speak to them, and what was the response?
What actions do you feel might resolve the problem at this stage?
Are you attaching any paperwork? If so, please give details.

Signature:	
Date:	

Highams Park School Official use only	
Date acknowledgement sent:	
By who:	
Complaint referred to:	
Date:	

Appendix 2 – Complaints Policy Simplified Timeline

Stage 1:Concerns and Difficulties

- The Academy will aim to resolve a concern or difficulty within 15 school days from date complaint raised
- The member of staff dealing with a concern or difficulty will make a written record of the issues raised, the action taken and, if applicable, the resolution reached, which will be retained in a central record

Stage 2: Formal Complaint to the Principal

- Acknowledged within 5 school days
- Principal provided with the records of the Stage 1 informal procedure within 5 school days
- Principal (or SLMT delegated) to investigate
- Outcome written to complainant within 20 days
- The letter will inform the Complainant that, if they are unsatisfied with the outcome of the Stage 2 investigation, they should write to the Company Secretary within 5 school days of receipt of the letter asking for their complaint and the Stage 2 investigation to be reviewed by the Complaint panel under Stage 3 of this Complaints Policy.

Stage 3: Complaint Panel Hearing

- If the Complainant is unsatisfied with the outcome of the review under Stage 2 of this Complaints Policy, the Complainant may write to the Company Secretary requesting a Complaint Panel Hearing. The Complainant should write to the Company Secretary within 5 school days of receiving the letter confirming the outcome following Stage 2.
- After selecting the Complaint Panel members, the Company Secretary will write to the Complainant within 5 school days acknowledging receipt of their request and informing them of the names of the Complaint Panel members.
- If the Complainant objects to any of the named persons being appointed to the Complaint Panel, they should notify the Company Secretary within 3 school days of receipt of the letter. Fair consideration will be given to any bona fide objection to a particular member of the Complaint Panel.
- The Company Secretary will liaise with the Complaint Panel, the Complainant and the Academy's Representative to agree a mutually convenient date for the Complaint Panel Hearing, which will usually take place within 20 school days of receipt of the Complainant's request, unless there are exceptional circumstances.
- The Company Secretary will write to the Complainant confirming the date of the Complaint Panel Hearing within 5 school days of the date that the acknowledgement letter was sent (or the date that the new Complaint Panel member was selected, if an objection was received and upheld). If the Complaint Panel Hearing will not take place within 20 school days of receipt of the Complainant's request, the letter will set out the exceptional circumstances involved.
- If the Complainant wishes the Complaint Panel to consider any additional information, they should forward this documentation to the Company Secretary to arrive at least 5 school days before the Complaint Panel Hearing

- If the Complainant wishes to rely on the account of a witness, they should ask the witness to write down, sign and date their account and forward it to the Company Secretary at least 5 school days before the Complaint Panel Hearing
- The Company Secretary will write within 10 school days of the Complaint Panel Hearing to the:
    - Complainant;
    - the Academy's Representative;
    - Any person complained about;

Appendix 3 – Roles and Responsibilities

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - interviewing staff and children/young people and other people relevant to the complaint
  - consideration of records and other relevant information
  - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Principal or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

  The Principal or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Complaints Co-ordinator (Member of staff providing administrative support)
The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Principal, Chair of Trustees, Clerk and LAs (if appropriate) to ensure the smooth running of the complaint's procedure
- be aware of issues regarding:
  - sharing third party information
  - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

Company Secretary
The Company Secretary is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

Committee Chair
The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Company Secretary to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.
  If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon

it; this may require a short adjournment of the meeting

- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

Committee Member
Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so

  No Trustee may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.

- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant

  We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

- many complainants will feel nervous and inhibited in a formal setting

  Parents/carers often feel emotional when discussing an issue that affects their child.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

  Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

  The committee should respect the views of the child/young person and give them equal consideration to those of adults.

  If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

  However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.

- the welfare of the child/young person is paramount.