

Horizons Specialist Academy Trust

Complaints Policy and Procedures

Policy Reviewed and Adopted by Board of Directors: 12 December 2019
Date of Next Review: Autumn term 2021
Responsible Officer: Elizabeth Horne CBE, CEO

Procedure on the Handling of Concerns and Complaints

This policy applies to all concerns (a worry or a doubt expressed and for which a reassurance is sought) and complaints (an expression or statement of dissatisfaction however made, about actions taken or a lack of action) other than:

- **Child Protection issues**
- **Exclusions**
- **Staff Grievance**

where separate procedures apply

This policy complies with Schedule 1, Part 7 of the Education (Independent School Standards) Regulations 2014.

Alongside parental complaints, this policy covers complaints from people who are not parents of attending pupils and also complaints received via MPs in relation to their constituents.

Finally, the policy will be used if a complaint is received regarding a Director of the Trust. Any such complaints should be made in writing and forwarded to the Governance Operations Manager.

In accordance with School Information (England) Regulations, this policy and procedures will be published on the Trust's website.

Timescales:

Horizons Specialist Academy Trust (HSAT) aims to resolve any complaints in a timely manner. Timescales for each stage of the Complaints Procedure are set out below in the relevant paragraphs. For the purposes of this policy, a "working day" is defined as a weekday during term time, when the Trust's Academies are open. The definition of "working day" excludes weekends and Bank Holidays.

Policy Aim and Statement

Aim:

The aim of this policy is to ensure that a concern or complaint by a parent/carer or member of the public is managed sympathetically, efficiently and at the appropriate level, and resolved as soon as possible. Doing so is good practice; it is fair to those concerned; and it helps to promote parents' and students' confidence in the Trust's ability to safeguard and promote welfare. The Trust will try to resolve every concern or complaint positively and transparently. The Trust expects that most concerns can be resolved informally and guarantees to treat seriously and confidentially all concerns whether raised informally or formally.

Statement:

The Trust needs to know as soon as possible where there is a concern or complaint. A difficulty that is not resolved quickly and fairly can soon become a cause of resentment, which could be damaging to relationships and also to the Trust's culture. It is the Trust's intention that parents/carers and students should never feel – or be made to feel – that a complaint will be taken amiss or will adversely affect a student or his/her opportunities at their Academy.

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

English Language Requirement – Immigration Act 2016

A legitimate complaint received in respect of the above, whereby a member of the public feels that a public-facing member of staff has insufficient proficiency in English, will be investigated in line with this policy and will adhere to the relevant Code of Practice.

Members of staff subject to the complaint will be notified of the complaint and given an opportunity to give their own account of the incident. A complaint will be assessed against an objective assessment of the level of fluency relevant to the role in question.

A complaint about a member of staff's accent, dialect, manner or tone of communication, origin or nationality, will not be considered a legitimate complaint.

PROCESS OF COMPLAINT RESOLUTION

A flow chart detailing the following steps can be found at Appendix A

Stage 1: Informal Complaints

1. Concerns:

Most concerns, where a parent/carer seeks intervention, reconsideration or some other action to be taken, can be resolved informally.

Parents/carers should raise the concern initially with the Vice-Principal or Principal. The Trust will ensure that these informal complaints are resolved within ten working days of being raised.

2. Unresolved concerns:

A concern which has not been resolved by informal means within ten working days from the receipt of the complaint can be notified as a formal complaint in accordance with Stage 2 below.

3. Record of concerns:

In the case of concerns raised under Stage 1 of this procedure, the only record of the concern and its resolution will be file notes by the person dealing with the complaint and/or file correspondence between the person raising the concern and the respondent.

Stage 2: Formal Complaints

4. Notification:

An unresolved concern under Stage 1, a complaint which needs investigation, or a more serious dissatisfaction with some aspect of the Trust's policies, procedures, management or administration should be set out in writing (a Complaint Form is attached at Appendix B) with full details, and sent with all relevant documents and full contact details for the attention of the Chief Executive

Complaints regarding the Chief Executive will be referred to the Chair of the Board of Directors.

Complaints against the Chair of the Board of Directors, or any individual Directors of Governors are made to the Governance Operations Manager (the clerk). The clerk should then arrange for the complaint to be heard. This can be done by a suitably skilled and impartial member of the Board of Directors (stage 1) and then a committee of members of the Board of Directors (stage 2).

Complaints against the entire Board of Directors or complaints involving both the Chair and Vice-Chair will also be sent to the clerk, who will then determine the most appropriate course of action. This will depend on the nature of the complaint.

This may involve sourcing an independent investigator to complete stage 1 and co-opted governors from other schools to hear the complaint at stage 2.

5. Acknowledgement:

The complaint will be acknowledged in writing normally within three working days of receipt during term-time and as soon as practicable during the holidays. The acknowledgement will indicate the action that is being taken and the likely timescale for resolution.

6. Investigation and resolution:

The Chief Executive may deal with the matter personally or delegate a senior member of staff to act as “investigating officer.” The “investigating officer” may request additional information from the complainant and will fully investigate the issue. In most cases, the Chief Executive or investigating officer will meet or speak with the parent/carer to discuss the matter.

7. Outcome:

The aim is to inform any complainant of the outcome of an investigation and the resolution to the complaint within fifteen working days from the receipt of the complaint. Any complaint received during a school holiday or within fifteen working days of the end of term or half term may take longer to resolve.

8. Record of complaints:

Written records will be kept of any meetings and interviews held in relation to the complaint.

9. Unresolved Complaints:

Where the complainant is not satisfied with the Trust’s response they may have their complaint considered by an Independent Complaints Panel.

Stage 3 – Complaint Heard by the Complaints Panel

10. Request:

A request for a complaint to be heard by a Complaints Panel (an appeal) must be made in writing and within ten working days of the date of the Trust’s decision made at Stage 2.

11. Acknowledgement:

Where an appeal is received, the Trust will, within three working days, refer the matter to the Governance Operations Manager who will act as Clerk to the Complaints Panel. The Clerk will acknowledge in writing receipt of the appeal within three working days, and inform the complainant of the steps involved in the process. The Clerk will also be the contact point for the complainant.

12. Panel Hearing:

The Clerk will aim to convene an Appeal Panel hearing as soon as possible, normally no later than twenty working days after receipt of the Stage 3 request.

13. Panel Membership:

The Panel will consist of two Directors who have not previously been involved in the complaint, and one person independent of the management and running of the Trust. In deciding the make-up of the Panel, Directors need to try to ensure that it is a cross-section of the categories of Director and sensitive to the issues of race, gender and religious affiliation. The Panel will select its own Chair.

The Remit of the Complaints Appeal Panel

14. Outcomes:

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 Trust's systems or procedures to ensure that problems of a similar nature do not recur

The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the Trust and the complainant. The Panel Chair will ensure that the proceedings are as informal as possible.

15. Attendance:

The following are entitled to attend a hearing, submit written evidence and address the Panel:

- The parents/carers and/or one representative
- The Chief Executive and/or one representative
- Any other person whom the Complaints Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision-making

16. Evidence:

All parties will be given the opportunity to submit written evidence to the Panel in support of their position including:

- Documents
- Chronology and key dates
- Written statements setting out further detail

The evidence will be considered by the Panel along with the initial submission.

All written evidence must be received by the Clerk no later than five working days in advance of the Panel Hearing. The Clerk will distribute the evidence to all parties no later than three working days in advance of the Panel Hearing.

17. Roles and Responsibilities:

The Role of the Clerk (Governance Operations Manager): All panels considering complaints must be clerked. The Clerk would be the contact point for the complainant and be required to:

- Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- Collate any written material and send it to the parties in advance of the hearing;
- Meet and welcome the parties as they arrive at the hearing;
- Record the proceedings
- Notify all parties of the panel's decisions

The Role of the Chair of the Board of Directors or Nominated Director:

- Check that the correct procedure has been followed;
- If a hearing is appropriate, notify the Clerk to arrange the panel;

The Role of the Chair of the Panel: The Chair of the Panel has a key role, ensuring that: (A Checklist for the Panel is provided at Appendix C)

- The remit of the Panel is explained to the parties and each party has the opportunity to put their case without undue interruption;
- The issues are addressed;
- Key findings of fact are made;
- Parents or others who may not be used to speaking at such a hearing are put at ease;
- The hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- The Panel is open-minded and acting independently;
- No member of the Panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- Each side is given the opportunity to state their case and ask questions;
- Written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

18. Decision:

The Panel will reach a decision, and make any recommendations within ten working days of the hearing. The decision reached is final.

19. Notification of the Panel's Decision:

The Panel's findings will be sent, in writing, by the Clerk, to the parents/carers, the Directors and the Chief Executive and, where relevant, to the person about whom the complaint was made. The letter will state the reasons for the decision reached and any recommendations made by the Panel.

20. Record Keeping:

The Trust will keep a record of all appeals, decisions and recommendations of the Complaints Panel.

21. Vexatious Complaints and Unacceptable Behaviour

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. Please see Appendix D and E for further details of how such complaints will be dealt with and examples of behaviour which will not be tolerated.

22. Duplicate complaints

If, after closing a complaint at the end of the complaints procedure, the Trust receives a duplicate complaint from:

- a spouse
- a partner
- a grandparent

and if the complaint is about the same subject, the new complainant will be informed that the complaint has already been considered and the Trust process completed. The new complainant will be advised to contact the Department of Education if they are dissatisfied with the Trust's handling of the original complaint. In such circumstances, the Trust will take care not to overlook any new aspects to the complaint that may not have previously considered. If there are, the Trust will ensure these are investigated and dealt with to the full extent of the complaints procedure.

23. Complaint campaigns

If the Trust becomes the focus of a campaign and receives large volumes of complaints:

- all based on the same subject
- from complainants unconnected with the school

a template response will be sent to all complainants and a single response published on the Trust's website. Complainants will also be signposted to the Department of Education if they are dissatisfied with Trust's response.

24. Other Recourse for Complaint

Complaints to the Education Funding Agency (ESFA)

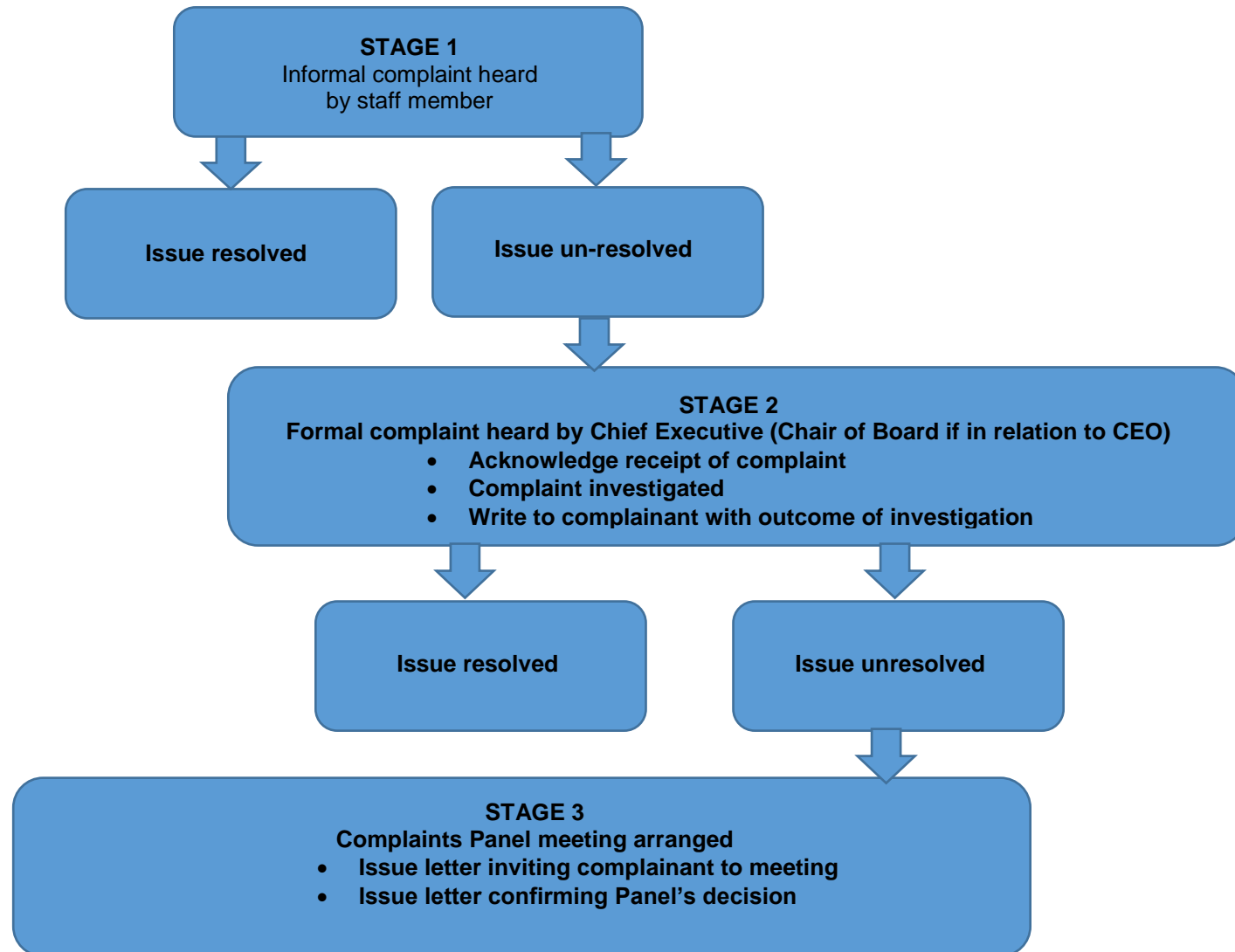
The ESFA will consider complaints only if they fall into any of the following three areas:

- There is undue delay or the Trust did not comply with its own complaints procedure when considering a complaint.
- The Trust is in breach of its Funding Agreement with the Secretary of State.
- The Trust has failed to comply with any other legal obligation.

The ESFA will not overturn the Trust's decision, but if it finds that the Trust has not dealt with the complaint properly it will request that the Trust looks at the complaint again, and that the Trust updates its complaints procedures to meet new requirements.

Appendix A: Summary of dealing with complaints at Trust level

If a formal complaint is made, Stage 2 of the process is automatically invoked





Appendix B: Complaint Form

HORIZONS SPECIALIST ACADEMY TRUST - COMPLAINT FORM

Please complete and return to *Miss Alison Ascough, Governance Operations Manager, Horizons Specialist Academy Trust, Abbey Hill Academy, Ketton Road, Stockton on Tees, TS19 8BU*, who will acknowledge receipt and explain the complaints process.

Your name:
Pupil's name:
Your relationship to the pupil (if relevant):
Address: Post Code: Day time telephone number: Evening telephone number:
Please give details of your complaint.
What action, if any, have you taken to try and resolve your complaint? (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 paperwork? If so, please give details.

Signature: (Complainant)

Date:

Appendix C: Checklist

Checklist for a Panel Hearing

- The hearing is as informal as possible
- Witnesses are required to attend only 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 Chief Executive may question both the complainant and the witnesses after each has spoken
- The Chief Executive is then invited to explain the Trust's actions and be followed by the Trust's witnesses
- The complainant may question both the Chief Executive 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 Chief Executive is then invited to sum up the academy's actions and

Appendix D: Policy on unacceptable behaviour

The Board of Directors recognises that it is the last resort for complainants. It also has a duty to ensure the safety and welfare of pupils, parents and staff.

The Directors are committed to dealing with all complaints fairly and impartially and to providing a quality service to those who make them. As part of this service it would not normally limit the contact complainants have. However, the Board of Directors does not expect the Trust's staff to tolerate behaviour by complainants which is unacceptable; for example, which is abusive, offensive or threatening, and it will act to protect staff from such behaviour. This applies to unacceptable behaviour on any part of the school premises, including the grounds.

If the Chief Executive considers that a complainant's behaviour is unacceptable the complainant will be told why their behaviour is deemed to be unreasonable and will be asked to change it. If the unacceptable behaviour continues the Chief Executive will act to restrict the complainant's contact with Academy.

Unacceptable actions and behaviours

These are some of the actions and behaviours of unreasonable and unreasonably persistent complainants which academies often find problematic. It is by no means an exhaustive list and local factors may vary, but these are examples that frequently come to our attention.

- Foul and abusive language towards staff, other parents and pupils.
- Behaviour that staff consider to be harassing and intimidating, including in person, over the telephone, or any other type of communication.
- Undermining Trust policies by actively encouraging pupils to ignore staff requests.
- Making unnecessarily excessive demands on the time and resources of staff by, for example, excessive telephoning or sending e-mails to numerous staff members, or writing lengthy, complex letters every few days and expecting immediate responses.
- Combinations of some or all of these.

The decision to restrict access to any of our schools will be taken by the Chief Executive. Any restrictions imposed will be appropriate and proportionate. The options most likely to be considered are:

- requesting contact in a particular form (for example, letters only);
- requiring contact to take place with a named member of staff;
- restricting telephone calls to specified days and times; and/or
- asking the complainant to enter into an agreement about their conduct.

In all cases, the complainant will be informed in writing why his or her behaviour is deemed unacceptable, what action is being taken and the duration of that action.

Where a complainant continues to behave in a way which is unacceptable, it may be decided to terminate contact with that complainant and discontinue any investigation into their complaint. However, the Board of Directors will seek to limit any detriment to any pupils who attend the academy, as far as is reasonable within these circumstances, e.g. access to parents' evenings, newsletters, and any other correspondence.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, other options will be considered, for example reporting the matter to the police or taking legal action. In such cases, the complainant may not be given prior warning of that action.

Appendix E: Policy on unreasonably persistent and vexatious complainants

The Board of Directors recognises that it is the last resort for complainants. It is also accountable for the proper use of public money and must ensure that that money is spent wisely and achieves value for complainants and the wider public.

The Board of Directors is committed to dealing with all complaints fairly and impartially and to providing a quality service to those who make them. As part of this service it does not normally limit the contact complainants have with the Trust.

However, there are a small number of complainants who, because of their frequent contact with the Trust, hinder consideration of their, or other people's, complaints. Such complainants are referred to as 'unreasonably persistent complainants' and, exceptionally, the Chief Executive will take action to limit their contact with the academy concerned.

Actions and behaviours of unreasonable and unreasonably persistent complainants

These are some of the actions and behaviours of unreasonable, and unreasonably vexatious and persistent complainants which academies often find problematic. It is by no means an exhaustive list and factors may vary, but they are examples that may come to our attention.

- Refusing to specify the grounds of a complaint, despite offers of assistance with this from the Trust's staff.
- Refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure's scope.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making what appear to be groundless complaints about the staff dealing with the complaints, and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds and/or denying statements he or she made at an earlier stage.
- Introducing new information which the complainant expects to be considered and commented on, or raising large numbers of detailed questions which are particularly time-consuming and costly to respond to - and insisting they are all fully answered.
- Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.
- Adopting a 'scattergun' approach: pursuing a complaint or complaints with the Trust and, at the same time, with a Member of Parliament/a councillor/the authority's

independent auditor/the Local Authority/local police/solicitors/the Ombudsman/OFSTED.

- Making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being looked into, by for example excessive telephoning or sending emails to numerous academy staff, writing lengthy complex letters every few days and expecting immediate responses.
- Submitting repeat complaints, after complaints processes have been completed, essentially about the same issues, with additions/variations which the complainant insists make these 'new' complaints which should be put through the full complaints procedure.
- Refusing to accept the decision – repeatedly arguing the point and complaining about the decision.
- Combinations of some or all of these.

The decision to restrict access to the academy will be taken by the Chief Executive and will normally follow a prior warning to the complainant. Any restrictions imposed will be appropriate and proportionate. The options most likely to be considered are:

- requesting contact in a particular form (for example, letters only);
- requiring contact to take place with a named member of staff;
- restricting telephone calls to specified days and times; and/or
- asking the complainant to enter into an agreement about their future contacts with us.

In all cases where it is decided to treat someone as an unreasonably persistent and vexatious complainant, the Trust will write to tell the complainant why his or her behaviour is deemed to fall into that category, what action is being taken and the duration of that action. They will also be told how they can challenge the decision if they disagree with it. If the Trust decides to carry on treating someone as an unreasonably persistent and vexatious complainant and is still investigating their complaint six months later, the Trust will carry out a review and decide if restrictions will continue.

Where a complainant whose case is closed persists in communicating with the Trust about it, the Trust may decide to terminate contact with that complainant. In such cases, the Trust will read all correspondence from that complainant, but unless there is fresh evidence which affects its decision on the complaint the Trust will simply acknowledge it or place it on the file with no acknowledgement.

New complaints from people who have come under the Trust's Unreasonably Persistent Complainant's policy will be treated on their merits.