

Dulwich Hamlet Educational Trust



COMPLAINTS POLICY

Reviewed and readopted by Board: October 2017

Introduction

This policy applies to all schools (Academies) in the control of Dulwich Hamlet Educational Trust, (“the Trust”), a Multi-Academy Trust (MAT). From time to time parents and carers, and others connected with the Trust’s schools, will become aware of matters which cause them concerns. To encourage resolution of such situations the Board of the Trust (“the MAT Board”) has adopted this School Complaints Policy.

The procedures in this policy are designed to:

- Provide that it is usually possible to resolve problems by informal means
- Be simple to use and understand
- Be non-adversarial
- Provide confidentiality
- Allow problems to be handled swiftly through the correct procedure
- Address all points at issue
- Inform future practice so that a problem is unlikely to recur.

The Legal Framework

Schools are required to have in place a procedure to deal with complaints about the school. While some complaints received by schools are properly dealt with by other procedures (e.g. those concerning Admissions and Exclusions), it is still necessary for schools to have a “general” procedure for complaints not covered by other statutory procedures. This policy is based on the Education Funding Agency’s guidance on creating an academy complaints procedure and the requirements set out in schedule 1, part 7 of the Education (Independent School Standards) Regulations 2014 which apply to the schools within the Trust’s control.

Complaints Procedure

Introduction:

- This procedure is intended to allow you to raise a concern or complaint relating to a school within the Trust's control, or the services that it provides.
- The procedure is intended to be used by those persons who may have a legitimate complaint relating to the school and where any complaint may not be pursued through another statutory procedure. While this policy is principally intended to be used by parents and carers of children at the Trust's schools, it may also be used by others.
- It is important that any potential complainant is aware of the correct channel through which to pursue their complaint. This will reduce the likelihood of letters of complaint being directed, say, to the Local Authority, the Secretary of State, local Councillors, the local MP, the local paper, or individual governors or Trustees.
- An anonymous concern or complaint will not be investigated under this procedure, unless there are exceptional circumstances which could include:
serious concerns such as child protection issues or bullying;
allegations where the school would either involve appropriate external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.
- To enable a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. In general, any matter raised more than three months after the event being complained of will not be considered.
- Spurious complaints and those brought by vexatious complainants will not be considered.
- Complainants are expected at all times to treat the staff of the Trust's schools with courtesy and, if the complainant is a parent or carer of a child at the school, to act in accordance with the agreed home-school policy.
- No action will be taken if a complainant raises again an issue that has already been taken through the complaints procedure.
- There are separate procedures for staff of the Trust's schools wishing to raise a grievance under the grievance procedure set out in the staff handbook.
- This procedure has three stages: an informal stage, a formal stage and a panel hearing, as set out below.
- A person who is not satisfied with the way their complaint has been handled may make representations to the Education Funding Agency (ESFA).
- Staff and others who might be involved in the application of this policy will be trained appropriately at least annually. The MAT Board will receive an Annual Report on the level and nature of complaints made, to help identify patterns that could point to a wider problem, but complaints information shared with the MAT Board will not identify individuals.

Who to address a complaint to

Complaints about a member of staff should be addressed to the Head of School.

Complaints about the Head of School, or about a member of staff if there is no Head of School in place at the school where the member of staff works, should be addressed to the Executive Head Teacher.

Complaints about the Executive Head Teacher should be addressed to the Clerk to the MAT Board who will refer the complaint to the Chair of the MAT Board.

Complaints against the Chair of Governors or any individual governor should be made by writing to the Clerk to the MAT Board.

The rest of this policy is written for cases where the complaint is made to the Head of School. “Executive Head Teacher” or “Clerk to the MAT Board” should be substituted for Head of School where appropriate.

Raising a concern or complaint

1) Informal Stage

It is normally appropriate to communicate directly with the member of staff concerned. This may be by letter, by telephone or in person by appointment, requested via the school office. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage.

Please see Appendix (1) for our 'Meeting Request Form'

2) Formal Stage

If your concern or complaint is not resolved at the informal stage you may choose to put the complaint in writing and pass it to the Head of School, who will be responsible for ensuring that it is investigated appropriately. A complaint form is provided to assist you.

Please see Appendix (2) for our 'Formal Complaint Form'

It is very important that you include a clear statement of the actions that you would like the school to take to resolve your concerns. Without this, it is much more difficult to proceed. Please pass the completed form, in a sealed envelope, to the school office. The envelope should be addressed to the Head of School.

The Head of School may invite you to a meeting to clarify your concerns and to explore the possibility of an informal resolution. If you accept that invitation, you may be accompanied by a friend, if you wish, to assist you in explaining the nature of your concerns.

It is possible that your complaint will be resolved through a meeting with the Head of School. If not, arrangements will be made for the matter to be fully investigated, using the appropriate procedure. In any case you should learn in writing, usually within 5 days of the school receiving your formal complaint, of how the school intends to proceed. This notification should include an indication of the anticipated timescale.

Investigations should aim to clarify what has happened, who has been involved and what you feel would put things right. Any investigation will begin as soon as possible and when it has been concluded, you will be informed in writing of its conclusion. All formal complaints, and action taken on them, will be recorded in writing. Correspondence, statements and records relating to individual complaints will be kept confidential, except where the secretary of state (or someone acting on his/her behalf) requests access to them.

Complaints are escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.

3) Panel hearing

Where a complainant is not satisfied with the outcome of the procedure set out in the formal stage 2 set out above, you may request that a panel be appointed to hear the complaint. The panel will consist of at least three people who were not directly involved in the matters detailed in the complaint. At least two (but not all) of the panel will be members of the Local Governing Body of the School or of the MAT Board. The panel will also include at least one member who is independent of the management and running of the school.

The complainant should submit the details of their concerns, in writing, to the Clerk to the MAT Board. The Clerk will seek similar written response from the school, where this is necessary.

A meeting of the panel will take place, usually within 10 school days, to consider the matter and you will be given reasonable notice of the date of the panel hearing. You (accompanied by a friend if you wish) and representative(s) from the school (who may also be accompanied by workplace colleagues or representatives from their professional associations) may be invited to attend this meeting in order to clarify the matter. As the panel meeting is intended to be investigatory, rather than adversarial, the persons giving evidence or making representations to the panel will normally attend separately from each other.

The panel will make findings and recommendations and will provide a copy of the findings and recommendations to you and, where relevant, the person complained about, and make a copy of the findings and recommendations available for inspection by the Chair of the MAT Board and the Head of School.

The panel will then invite a representative of the school (usually the Head of School), as appropriate, to make a response to the complaint.

The panel may also have access to the records kept of the process followed.

You and the school representative(s) will be informed in writing of the outcome, usually within 5 school days of the panel meeting. Consideration of the complaint by the governing body and the school, save for any actions that are agreed, will terminate at this point.

Dulwich Hamlet Educational Trust: Formal Complaint Form

Please complete this form and return it, via the school office, to the Head of School, who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:

Relationship with school (e.g. parent of a pupil on the school roll):

Pupil's name (if relevant to your complaint):

Your address:

Telephone numbers

Daytime:

Evening:

Email address:

Please give concise details of your complaint (including dates, names of witnesses etc), to allow the matter to be fully investigated:

You may continue on separate paper, or attach additional documents, if you wish.

.....**School Formal Complaints Form cont'd**.....

What action, if any, have you already taken to try to resolve your complaint? (i.e. who have you spoken with or written to and what was to outcome?)

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

Signed.....Date.....

School use:
Date form received:
Received by:
Date acknowledgement sent:
Acknowledgement sent by:

Complaint referred to:
Date:

Dulwich Hamlet Educational Trust: Complaint Panel Hearing Request Form

Please complete this form and return it to Head of School, who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:

Your address:

Telephone numbers

Daytime:

Evening:

Email address:

I submitted a formal complaint on.....and am dissatisfied by the procedure that has been followed.

My complaint was submitted to.....and I received a response from
.....on.....

I have attached copies of my formal complaint and of the response(s).

I am dissatisfied with the way in which the procedure was carried out, because:

You may continue on separate paper, or attach additional documents, if you wish.

.....**School Complaint Review Request Form cont'd**.....

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

Signed.....

Date.....

School use:

Date form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:

Date:

Text that could be sent to persons who make spurious/vexatious or abusive complaints:

Dulwich Hamlet Educational Trust Policy for Handling Unreasonably Persistent, Harassing or Abusive Complainants

The Head of School and governors are fully committed to the improvement of our school. We welcome feedback from parents/carers and will always try to resolve any concerns as quickly as possible. There is a procedure for parents to use if they wish to make a formal complaint.

Sometimes, however, parents or carers pursuing complaints or other issues treat staff and others in a way that is unacceptable. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour towards any members of the school community.

The aim of this leaflet is to provide information about our school policy on unreasonably persistent complainants or harassment of staff.

What do we mean by ‘unreasonably persistent complainant’?

An unreasonably persistent complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include persons who pursue complaints in an unreasonable manner.

Unreasonable behaviour may include:

- *actions which are*
 - *out of proportion to the nature of the complaint, or*
 - *persistent – even when the complaints procedure has been exhausted, or*
 - *personally harassing, or*
 - *unjustifiably repetitious.*

- *an insistence on*
 - *pursuing unjustified complaints and/or*
 - *unrealistic outcomes to justified complaints*
 - *pursuing justified complaints in an unreasonable manner (eg using abusive or threatening language), or*
 - *making complaints in public or via a social networking site, or*
 - *refusing to attend appointments to discuss the complaint.*

What is ‘harassment’?

We regard harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than to seek a resolution. Behaviour may fall within the scope of this policy if:

- *it appears to be deliberately targeted at one or more members of the school staff or others, without good cause;*
- *the way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes undue distress to school staff or others;*
- *it has a significant and disproportionate adverse effect on the school community.*

What does the school expect of any person wishing to raise a concern?

The school expects anyone who wishes to raise concerns with the school to:

- *treat all members of the school community with courtesy and respect;*
- *respect the needs of pupils and staff within the school;*
- *avoid use of violence, or threats of violence, towards people or property;*
- *recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to a complaint;*
- *follow the school's complaints procedure.*

Trust's responses to unreasonably persistent complaints or harassment

This policy is intended to be used in conjunction with the Trust's complaints procedure. Taken together, these documents set out how we will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty.

However, in cases of unreasonably persistent complaints or harassment, the Trust may take some or all of the following steps, as appropriate:

- *inform the complainant informally that his/her behaviour is now considered by the school to be unreasonable or unacceptable, and request a changed approach;*
- *inform the complainant in writing that the school considers his/her behaviour to fall under the terms of the Unreasonably Persistent Complaints / Harassment Policy;*
- *require all future meetings with a member of staff to be conducted with a second person present. In the interests of all parties, notes of these meetings may be taken;*
- *inform the complainant that, except in emergencies, the school will respond only to written communication and that these may be required to be channelled through the Local Authority.*

Physical or verbal aggression

The MAT Board will not tolerate any form of physical or verbal aggression against members of the school community. If there is evidence of any such aggression the school may:

- *ban the individual from entering the school site, with immediate effect;*
- *call the police to remove the individual from the premises, under powers provided by the Education Act 1996.*

Legitimate new complaints will always be considered, even if the person making them is (or has been) subject to the Unreasonably Persistent Complaints/Harassment Policy. The school nevertheless reserves the right not to respond to communications from individuals subject to the policy.

Dulwich Hamlet Junior School Complaints Procedure

| Nature of contact | Appropriate person to receive contact | Relevant policy/procedure |
|--|---|---|
| Request for published information | School office | FOI Act Charging Policy |
| Request for personal pupil information | Head of School or senior member of staff | DPA Charging Policy |
| Complaint about policy (content or application of) | Clerk / Chair | General Complaints Procedure |
| Concern about provision of facilities or services by the school | Head of School | General Complaints Procedure |
| Allegation about conduct of a member of staff | Head of School | School Staff Discipline Procedure (Confidential to School and Employee) |
| Allegation of verbal or physical assault by employee on pupil | Head of School or child protection co-ordinator | Local Child Protection Procedures (Confidential to school, LA CPO and parents of alleged victim) |
| Allegation about capability of a member of staff | Head of School | School Staff Competence Procedure (Confidential to School and Employee) |
| Conduct of another pupil (e.g. bullying) | Head of School or senior member of staff | School behaviour and discipline procedures (Confidential to School and parents of pupil) |
| Discipline of a pupil | Head of School or senior member of staff | School behaviour and discipline procedures (Confidential to School and parents of pupil) |
| Content of / Failure to maintain a statement of SEN | Head of School / SENCO LA | LA Procedures |
| Admissions | Chair / Clerk to the MAT | Admissions Procedure Admissions Appeal Procedure |
| Exclusion | Chair / Clerk to the MAT | Exclusion Appeal Procedure |
| Failure to provide NC Entitlement or inappropriate Curriculum | Head of School | Curriculum Policy |
| Extended Services | Manager of relevant Provider | Procedure of Service Provider |
| Decision to remove licence for a person to enter school premises (banning) | Clerk to MAT / Chair | MAT Appeal Committee |