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The Hyndburn Academy

Complaints Policy

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United Learning – Complaints Policy (Academies)

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Name of Originator/Author (including job title):	Susan Breckell, Head of Local Governance
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*This Policy should be read in conjunction with the Behaviour, Attendance, Safeguarding and Code of conduct policy.

1. Contact Details

Who to speak to first:

Head of Year 7	Miss E Dodd	Emma.dodd@hyndburnacademy.org.uk
Head of Year 8	Ms J Eccles	Jackie.eccles@hyndburnacademy.org.uk
Head of Year 9	Mrs K Brindle	Kelly.brindle@hyndburnacademy.org.uk
Head of Year 10	Mr M Brindle	Mark.brindle@hyndburnacademy.org.uk
Head of Year 11	Mr T Bradshaw	Tom.bradshaw@hyndburnacademy.org.uk

General enquiries:

complaints@hyndburnacademy.org.uk

2. Summary

2.1 We aim to work closely with parents and carers and resolve any concerns as quickly as possible. Most issues can be addressed informally by speaking to the appropriate member of staff, so we encourage concerns to be raised as soon as they arise. If a matter remains unresolved, our complaints procedure is available. We take all concerns seriously and will make every effort to achieve a prompt and fair resolution.

3. Purpose

3.1 This Policy statement and procedure sets out the approach to dealing with concerns and complaints at United Learning.

4. Scope

4.1 This procedure is intended to allow a concern or complaint relating to United Learning or one of its schools to be raised by a parent or carer.

4.2 A complaint raised by a member of the public, who is not a parent or carer, about the school will be investigated at stage 2 of the process by the Headteacher. The Headteacher will respond to the complainant in writing.

4.3 Any complaints about a school will be investigated by the school and its Local Governing Body (LGB). They know the school best and have responsibility for dealing with concerns and complaints. Any complaints that are sent to other areas of United Learning will be redirected to the school.

4.4 Some complaints will be dealt with in other policies or statutory processes, for example, complaints involving pupil admissions, child protection or pupil exclusions. A full list of issues excluded from the scope of this procedure can be found in *Appendix A.* United Learning will determine which process a complaint will follow. Complaints involving requests for admissions outside of age group can be dealt via the Complaints policy.

4.5 Details of how we will deal with complaints about the actions of the Headteacher or a governor can be found in *Appendix B*.

4.6 We value good relationships with parents and carers and our wider communities and will always try to establish and maintain these. This includes seeking to resolve any concerns or complaints promptly, with the aim of reaching resolution wherever possible.

4.7 At each stage in the procedure, we want to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- 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 considering the complaint
- an apology

4.8 If your complaint is not upheld, we will provide a clear explanation of the reasons for our decision.

5. How to raise a concern or make a complaint

5.1 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, if they have appropriate consent to do so.

5.2 Almost all issues will be concerns and can be dealt with informally, simply by talking through them through with teachers or other relevant school staff.

5.3 To begin with, approach a relevant member of staff, explain your concern to them, suggest any action you would like to happen and see if they are willing to work with you to find a solution. We expect that this should resolve most concerns at an early stage. *See the section at the start of the policy to find contact details for your school.*

6. Anonymous complaints or complaint campaigns

6.1 Anonymous complaints or complaints sent as part of a complaints campaign will not usually be investigated. However, the Headteacher and Chair of Governors, in discussion with United Learning Central Office, will determine whether the complaint should be investigated.

6.2 In the case of a complaints campaign the school may respond using a template response to all complainants. Alternatively, the school may choose to publish a single response on its website.

7. Artificial Intelligence (AI) generated complaints

7.1 We want to work constructively with all complainants and resolve issues at the earliest possible opportunity. AI generated complaints can result in submissions that are often lengthy and may contain inaccuracies or assumptions that do not reflect the circumstances within the school. Responding to such complaints can place a significant and unnecessary burden on staff time.

7.2 When we receive a complaint, including an AI generated complaint, we may contact you and request that you meet with us and / or complete the complaints form (*Appendix E*) providing a concise summary of your concerns. This will help us to clearly establish the substance of your complaint so that we can respond appropriately and in line with this policy.

7.3 If you need support in writing your complaint, we are happy to assist you.

8. Stage 1 – Informal Resolution

8.1 Parents/carers should raise concerns with the relevant staff member (e.g. class teacher or form tutor). The school will aim to resolve issues quickly and informally, usually through a meeting or phone call. A record of the concern and outcome will be kept.

9. Stage 2 – Formal Complaint

9.1 If unresolved, the complaint should be submitted in writing to the Headteacher. The Headteacher will acknowledge receipt, investigate and respond in writing within **30 school days.** The Headteacher may appoint an investigating officer. The written response will include a summary of findings from the investigation and any actions taken. If the complaint is about the Headteacher, the Chair of Governors will take ownership of this stage. It would be helpful if the complaint is submitted using the form provided in Appendix E.

10. Stage 3 – Panel Hearing

10.1 If the complainant is dissatisfied with the handling or outcome of stage 2 then they may request a hearing before a panel of 3 people who have not been involved in the complaint. This must be done within **10 school days** from receiving the stage 2 response. One panel member must be independent of the school. The complainant may attend and be accompanied by a companion. The investigating officer may also be asked to attend, and may be accompanied. The panel will look at the investigation and response at stage 2 and will question both the complainant and school to determine their view of the stage 2 response. The panel will make findings and could make recommendations which will be shared in a written response to all parties. This stage should be completed within **30 school days**. For more detail see Appendix F.

10.2 We may get in touch with you to ensure that we understand the resolution that you expect from raising a Stage 3 panel request.

10.3 If you are not a parent/carer of a pupil on roll at a United Learning School Stage 3 of this policy will not be available to you.

11. Timescales

11.1 A complaint must be raised within **three calendar months** of the incident or, where a series of associated incidents have occurred, within **three calendar months** of the last of these incidents. Complaints made outside of this time frame will only be considered if exceptional circumstances apply.

11.2 Unless otherwise stated, timescales in this procedure refer to school working days for the relevant school, excluding school holidays, In Service Training (Inset) days and bank holidays. Any complaints

made outside of term time will be considered to have been received on the first school working day after the holiday period.

11.3 There may be times when the investigation takes longer than the timescales outlined in this policy. Where this is the case, we will keep the complainant informed of the revised timescales and the reasons for this.

12. Withdrawal of a complaint

12.1 If a complainant wishes to withdraw their complaint, they will be asked to confirm this in writing, including by email. If we do not receive confirmation within **15 school days**, we will treat the complaint as closed.

12.2 If a complainant does not respond to requests for information needed to progress the complaint, we will write to them to explain that we consider the complaint to be closed.

13. General principles

13.1 We will treat all concerns and complaints seriously and courteously and will advise complainants of the procedures for dealing with their concerns. In return, we expect complainants to behave respectfully towards all members of the community. Any disagreement with a school should not be expressed inappropriately or in front of pupils.

13.2 If a complaint centres on a pupil, we may talk to the pupil concerned and, where appropriate, others who were present at the time of any incident in question

13.3 If a complaint relates to the school's application of a policy to a pupil we will not investigate the complaint. For example, if a parent complains that their child had their mobile phone removed, and the teacher was following the school's policy, this will not be treated as a complaint. A parent could, however, complain about the way their child's mobile phone was removed.

13.4 The complainant should not escalate their complaint without receiving a response from each stage of the process.

13.5 We have a procedure to deal with unreasonable and persistent complainants, this can be found in *Appendix C*

13.6 Correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducing an inspection under section 109 of the 2008 Act requests access to them.

14. Review of process

14.1 The decision of the stage 3 panel is final. If the complainant is concerned that the complaint procedure has not been followed correctly, they may write to request a review of the Local Governing Body's process by a United Learning central office employee. This can be done by emailing the Head of Local Governance at GovernanceLead@UnitedLearning.org.uk stating the reason for the request. This must be done 10 school days from receipt of the outcome letter at stage 3.

14.2 Any review is granted at the discretion of the Head of Local Governance.

14.3 The review is a quality assurance exercise to determine whether the LGB acted appropriately and within the scope of the complaints policy. The complaint will not be re-opened. They may:

- Deem the process to have been sound and uphold the outcome at Stage 3.
- Ask that another panel looks at Stage 3.

15. Appendix A – Complaints subject to statutory procedures or out of the scope of this policy

This procedure covers all concerns and complaints about the facilities and services provided by the school except where these are covered by separate, statutory policies as described in the table below.

Exceptions	Who to contact
Admissions or appeals	Concerns about admissions or appeals are managed through a separate process – either through the appeals process or via the local authority. If the complaint is about the decision of an admissions panel not to admit a child out of their year group this **can** be dealt with using this policy.
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. Complaints about the way a safeguarding matter has been handled are covered within the complaints process. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). You can find these details in the school's Safeguarding policy.

Exclusion of children from school	All matters related to exclusions are managed under a separate statutory procedure. Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions Complaints about an exclusion / suspension or the procedure undertaken to review these exclusions and suspensions are not covered in the Complaints Policy
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 because of a complaint. However, the complainant may be notified that the matter is being addressed.
Data protection including complaints about subject access requests	Please see the Data protection complaint policy
Freedom of Information Requests	Please see the Freedom of Information policy
Whistleblowing	United Learning has 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 the school should complain through the complaints procedure.
Complaints concerning a third party or services used by the school	Please raise the matter directly with the provider.

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 policy or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, we will inform the complainant of a proposed new timescale.

16. Appendix B – Conflicts of Interest

16.1 Complaints that involve or are about the actions of the Headteacher should be addressed to the Chair of Governors, via the school office. Please mark them as Private and Confidential.

16.2 Complaints about the Chair of Governors, any individual governor or the whole governing body should be emailed to the Head of Local Governance at governancelead@unitedlearning.org.uk. Complaints about governors will be dealt with by the Regional Director for the school and any stage 3 panel hearing will be populated by governors from another school.

16.3 Complaints about the actions of central office colleagues should be emailed to company.secretary@unitedlearning.org.uk

16.4 Complaints about the Company Secretary should be emailed to chair@unitedlearning.org.uk

17. Appendix C - Process for Unreasonable and persistent complaints

17.1 We are committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

17.2 United Learning defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints or are having an unreasonably high detrimental impact on key staff being able to fulfil their duties to students'.

17.3 **Unreasonable complaints**

17.3.1 A complaint may be regarded as unreasonable when the person making the complaint:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuses to engage with an investigator by telephone or email or in writing
- refuses to cooperate with the complaints investigation process while still wishing their complaint to be resolved
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on
- raises large numbers of detailed but unimportant complaints, and insists they are fully answered, often immediately and to their own timescales
- makes unjustified complaints about staff who are trying to deal with the issues and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed
- seeks an unrealistic outcome
- makes excessive demands on staff time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- attempts to escalate the complaint while the investigation is taking place
- labels every complaint as a safeguarding concern

17.4 A complaint may be considered unreasonable where a complainant repeatedly raises concerns, complaints, or grievances over an extended period, whether relating to the same issue or to multiple different matters, in a manner that places a disproportionate demand on the school's time and resources. This may include situations where numerous complaints are submitted sequentially or concurrently, regardless of subject matter, and where the volume, frequency, or nature of the complaints is unreasonable. We will continue to consider concerns raised but may choose not to continue to correspond with a parent in such circumstances.

17.4.1 A complaint may also be considered unreasonable if the person making the complaint does so

- maliciously
- aggressively
- using threats, intimidation or violence
- using abusive, offensive or discriminatory language
- knowing it to be false
- using falsified information
- publishing unacceptable information in a variety of media such as in social media websites and newspapers

17.4.2 United Learning will use its own discretion to deem what is unreasonable behaviour. United Learning will not engage with complainants who by their behaviour or nature of complaining are being unreasonable or vexatious.

17.4.3 Complainants should limit the number of communications with the school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

17.4.4 Whenever possible, the Headteacher will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

17.4.5 If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact a school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

17.4.6 If a complainant's behaviour is deemed to be vexatious and/or unreasonable under the terms of this policy, we may write to inform them that their complaint is closed and that United Learning will not respond to any further correspondence on the issue, or a closely related issue. In these circumstances records of the unreasonable or vexatious communications would be made available to the DfE on request.

17.4.7 In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include barring an individual from the school's premises. *See Appendix D for further information*

17.5 **Serial / Persistent Complainants**

17.5.1 If the complainant makes contact again on the same or a substantively similar issue, the correspondence may then be viewed as 'serial' or 'persistent'. We may stop responding to the complainant if any of the following conditions are met:

- We have taken every reasonable step to address the complainant's concerns
- The complainant has been given a clear statement of the Trust's position and their options
- The complainant makes contact repeatedly, making substantially the same points each time.

17.5.2 The case to stop responding is stronger if:

- The complainant's communications are often or always abusive or aggressive
- The complainant makes insulting personal comments about or threats towards staff
- There is reasonable belief that the individual is making contact with the intention of causing disruption or inconvenience
- The complainant has not responded to requests to engage with each stage of the Complaints procedure.

17.5.3 Where we decide to stop responding, we will inform the individual that we intend to do so. We will also explain that we will consider any new complaints they make provided the concerns raised are materially different and/or are unconnected to the previous concern.

17.5.4 If the nature of the complaint or the way that the complainant is behaving is unacceptable then United Learning will not engage with that complaint or complainant.

18. Appendix D – Barring from the School premises

18.1 Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

18.2 If an individual's behaviour is a cause for concern, school staff can ask them to leave the premises. In serious cases, the Headteacher or United Learning can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the individual may wish to make.

18.3 This is a Headteacher decision but subject to review by the Chair of Governors. We will always give parent/s the opportunity to formally express their views on the decision to bar in writing.

18.4 The decision to bar should then be reviewed within 5 school days, considering any representations made by the parent. The decision will then either be confirmed or overturned. If the decision is confirmed the parent should be notified in writing without delay, explaining how long the bar will be in place.

18.5 Anyone wishing to complain about being barred can do so, by email, to the Headteacher

19. Appendix E: Complaint form

Please complete in BLOCK CAPITALS and return to the Principal who will acknowledge receipt and explain next steps	
School name	
Pupil's name	
Your name	
Your relationship to the student	
Address	
Postcode	
Email address	
Contact telephone number	
Please give details of your complaint below	
What steps, if any, have you already taken to try to resolve your complaint? Please tell us who you spoke to and what response you received.	
What actions do you feel might resolve the problem at this stage?	
Are you attaching any paperwork?	**YES / NO**
If yes, please give details.	
Signature:	**Date:**

20. Appendix F: Stage 3 Panel

20.1 If the complainant is not satisfied with the outcome of the decision and actions taken at Stage 2 they may request a review of the decision and the actions taken at a Stage 3 panel hearing.

20.2 Stage 3 provides an opportunity for a panel to review the work of the investigating officer, either the decision maker or the investigating officer should be in attendance.

20.3 The panel will consider the process followed and the evidence used to investigate the complaint. It will also consider the investigation report produced after the stage 2 process and any recommendations and actions made in it.

20.4 The aim of the panel shall be to;

- Consider whether the Stage 2 process was conducted thoroughly and fairly and whether the outcomes were reasonable
- Reconciliation – identify ways in which the school and parents may work together
- To make recommendations that may address things that may have gone wrong

20.5 A request to escalate to Stage 3 must be made in writing to the school no later than **10 school days** after receipt of the stage 2 response. Requests received outside this timescale will only be considered if exceptional circumstances apply. This should be submitted on the complaints form in Appendix E

20.6 The panel will not review any new complaints at this stage or consider evidence unrelated to the initial complaint.

20.7 The request should explain why the complainant remain dissatisfied and what outcome they are seeking. The school will confirm they have received the correspondence and make arrangements for a panel to be convened.

20.8 As soon as possible following this the school will inform the complainant of a date for the panel meeting. This date will consider their availability to attend. The meeting will be held as quickly as practicable given the need to find a date that is reasonably convenient for the complainant, the school and panel members. The aim will be for the panel to be convened within 20 school days of receiving the request for a hearing. The complainant will be notified by letter, and this letter will inform them of the date, time and location of the meeting, and provide an explanation of what will happen at the hearing. With agreement from all parties this meeting may take place via an electronic meeting platform such as Microsoft Teams.

20.9 The meeting is not a court case; it will be held in private and will be as informal as circumstances allow. The Chair of the panel will bear in mind that the formal nature of the meeting can be intimidating and will do their best to put all parties at ease.

20.10 Electronic recordings of meetings or conversations are not permitted unless a complainant's own disability or medical needs require it. Prior knowledge and consent of all parties attending must be sought before the recording of the meeting takes place. If any party does not consent to the meeting

being recorded then other reasonable adjustments will be put in place to ensure that all parties can participate in the hearing.

20.11 The complainant will have the opportunity to put their reasons for dissatisfaction and to expand upon them but may not introduce reasons that were not previously put in writing. The investigating officer or Headteacher will have the opportunity to present their views and each side, as well as the panel members, will be able to ask questions.

20.12 The panel can request additional information from other sources if necessary. All parties will receive copies of these papers at least five school working days before the meeting.

20.13 The complainant will be entitled to bring a companion along to provide support. They are there to provide support, rather than to speak on the complainant's behalf, and will not usually be permitted to speak during the meeting except with the permission of the Chair. Legal representation representing the complainant will only be permitted in exceptional circumstances and with prior agreement from United Learning. It may sometimes be appropriate for the panel to take advice from a legal adviser, but this adviser will not attend the panel meeting. The person who investigated the matter at Stage Two may be accompanied by someone from United Learning central team.

20.14 If the complainant fails to attend on the day without compelling reasons, their complaint will be judged to be withdrawn (and the matter closed).

20.15 Other than in exceptional circumstances pupils or other children/young people will not be permitted to attend panel meetings.

20.16 There will be minutes taken at the meeting.

20.17 The following people will be entitled to attend the panel meeting:

- panel members; one panel member will be independent of the management and running of the school
- an adviser to the panel who may also take notes of the meeting, or may be accompanied by a minute taker
- the complainant(s) and their companion if they choose to bring one
- the investigator and their companion if they choose to bring one

20.18 All parties will withdraw, other than the panel members, the advisor to the panel and the note-taker (if this is a different person), while the panel reaches a conclusion, which may be that the complaint is upheld or rejected in full, or upheld in part. If time constraints, or other factors, mean that a decision cannot be reached immediately then the panel will reconvene as soon as possible. This subsequent meeting will include panel members, the advisor to the panel and note-taker only and may take place via an on-line meeting platform. The outcome and the reasons for the panel's decision will be communicated in writing to all relevant parties within five working days of the hearing other than in exceptional circumstances. A copy of the written outcome, inclusive of findings and recommendations, will be kept in school records.

20.19 Correspondence, statements and records relating to individual complaints will be kept confidential unless disclosure is required by the Department for Education, inspection purposes or legal proceedings.