



## PROCEDURE

### **STAFF-P09-1-COMPLAINTS – STAGES OF COMPLAINTS - 01**

#### **1 INTRODUCTION**

1.1 This procedure describes the stages through which complaints can progress.

#### **2 TASK DESCRIPTION**

2.1 All complaints must be managed according to the “Stage” that they are going through.

#### **3 STAGE 1 – CONCERNS AND DIFFICULTIES**

3.1 Concerns - The Trust expects that most concerns and difficulties, where a parent, student or stakeholder seeks intervention, reconsideration or some other resulting action, 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 Trust’s systems or equipment, or a billing error.

3.2 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 contact the Tutor or the Class Teacher in the first instance. If the concern is not resolved then the Curriculum Leader, Academic manager or Leadership Team Member is the chain of escalation
- **Pastoral care** – for concerns relating to matters outside the classroom, the Complainant should contact the relevant Pastoral Manager or the Vice Principal responsible for Welfare & Conduct.
- **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 contact the relevant Tutor, Pastoral Manager or Vice Principal Welfare & Conduct.
- **Financial and administrative matters** – a query relating to fees, extras or other administrative matters should be raised by the Complainant with the Finance Office.
- **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 Curriculum Leader, Pastoral manager or at Stage 2 in writing to the Principal:  
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 Curriculum Leader or other designated member of staff 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 inform the Complainant that they should put their complaint in writing to the Principal under Stage 2 of this Complaints Policy.
  - Where the first approach is made to a Trustee they should refer the complainant to the Clerk to the Governing Body and advise them about the procedure. Trustees must not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.



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### 3.3 Use of email

- When communicating directly with a known member of staff please email them directly
- When communicating with the Principal or the Clerk to the Governors please email the main office: [office@heart-england.co.uk](mailto:office@heart-england.co.uk), with the subject For Attention Of: and the name of the Principal or the Clerk to the Governors

### 3.4 Unresolved Concerns and Difficulties

- The Trust will aim to resolve a concern or difficulty within **20 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 in writing to the Principal.

### 3.5 Record of Concerns and Difficulties

- The member of staff dealing with a concern or difficulty will make an appropriate written record of the issues raised, the action taken and, if applicable, the resolution reached. This may be in note, e-mail or letter form.

## **4 STAGE 2 – FORMAL COMPLAINT TO THE PRINCIPAL**

### 4.1 Formal Notification

- A concern or difficulty raised under Stage 1 of this Complaints Policy which remains unresolved after 20 school days, or a serious matter which requires formal investigation from the outset at Stage 2, must be set out in writing to the Principal.
- The Complainant must clearly set out
  - the matters in dispute,
  - the relevant dates,
  - the full names of the persons involved
  - what the Complainant believes the Trust should do to resolve the complaint.
  - Use of the 'Formal Complaint Form' in STAFF-A09-1-Complaints – Complaints Form-01 represents a good starting point with providing the required information when making a complaint. Any documentation relied upon by the Complainant should be attached to the formal complaint.

### 4.2 Formal Acknowledgement

The formal written complaint at Stage 2 will be acknowledged in writing within **five school days** of receipt. The acknowledgement letter will confirm the date that the formal complaint was received.

### 4.3 Investigation

- The Principal will decide whether to investigate the complaint personally or to delegate the investigation to a senior member of the leadership team. The investigation will involve obtaining and considering all documentation held by the Trust relevant to the complaint. If further information is required from the Complainant, this may be requested from them by telephone or in writing.



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- The Investigating Officer will interview the person(s) involved in the matter raised by the Complainant. A written record of the interview will be made, and the interviewee will be asked to read, sign and date the written record to confirm that it is accurate.
- In situations where the complaint concerns 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 at the interview.
- If the Investigating Officer 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.

### 4.4 Outcome

- The Principal, or if delegated, the Investigating Officer, will write to the Complainant confirming the outcome of the investigation within **20 school days** from the date that the complaint was received. The letter will set out the individual matters raised by the Complainant, the findings of the investigation and the conclusion reached.
- The letter will inform the Complainant that, if they are dissatisfied with the outcome of the Stage 2 investigation, they must write to the Clerk to the Trust Board within **five school days** of receipt of the letter asking for their complaint and the Stage 2 investigation to be reviewed by the Chair of Trust Board under Stage 3 of the Complaints Policy.

## 5 STAGE 3 – REVIEW BY THE CHAIR OF THE TRUST BOARD

### 5.1 Notification

- If the Complainant is dissatisfied with the outcome of the complaint under Stage 2 of this Complaints Policy, the Complainant may write to the Clerk to the Governors within **five school days** of receiving the letter confirming the outcome following Stage 2 requesting that the complaint to be reviewed by the Chair of Governors,
- 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.

### 5.2 Acknowledgement

The Complainant's letter requesting a review will be acknowledged within **five school days** of receipt. The acknowledgement letter will confirm the date that the request for review was received, the action to be taken and the specified time limit.

### 5.3 Review

- The Chair of the Trust Board will be provided with all documentation relating to the complaint **within five school days** of receipt of the letter requesting a review under Stage 3, including; 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; and the letter of outcome under Stage 2.
- The Chair of the Trust Board will review the documentation received and consider both the matters raised by the complainant and the investigation carried out under



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Stage 2. Should it be necessary, the Chair of Trust Board will speak to the persons involved in the investigation to clarify issues which were not confirmed during the Stage 2 investigation.

- If the Chair of the Trust Board deems it to be appropriate in relation to the matters raised, the Complainant will be offered a meeting to discuss the issues raised. If a meeting is deemed appropriate, it will usually take place after the review has been completed with the aim of reaching a mutually acceptable resolution.

### 5.4 Outcome

- The Chair of the Trust Board will write to the Complainant confirming the outcome of the review within **20 school days** from the date that the request for a review was received. The letter will set out whether the Chair of the Trust Board agrees with the findings and conclusion under Stage 2, and give reasons, as well as responding to any concerns/criticisms of the Stage 2 investigation.
- The letter will inform the Complainant that, if they are dissatisfied with the outcome of the Stage 3 review, they should write to the Clerk to the Trust Board within **five school days** of receipt of the letter requesting a Complaint Panel Hearing under Stage 4 of this Complaints Policy.
- Where the request for a review was received during a school holiday or within twenty days from the end of a term or half term, the Chair of the Trust Board will endeavour to expedite the review as soon as possible.

### 5.5 Delegation

In appropriate cases, the Chair of the Trust Board may delegate the review to another Trustee in accordance with the procedure outlined above.

## **6 STAGE 4 – COMPLAINT PANEL HEARING**

### 6.1 Notification

- If the Complainant is dissatisfied with the outcome of the review under Stage 3 of this Complaints Policy, the Complainant may write to the Clerk to the Trust Board requesting a Complaint Panel Hearing. The Complainant must write to the Clerk to the Trust Board within **five school days** of receiving the letter confirming the outcome following Stage 3.
- 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 Stages 2 and 3.

### 6.2 The Complaint Panel

- The Complaint Panel will consist of three persons appointed by or on behalf of the Trust by the Clerk to the Trust Board:
  - All three members of the Complaint Panel must be new to the Complaint (i.e.: None of the three Complaint Panel members can have been involved in the matters which gave rise to the complaint, none can have been involved in dealing with the complaint previously and none can have any detailed prior knowledge of the complaint);
  - Two of the Complaint Panel members may (but do not have to) be Trustees;



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- The Chair of the Complaint Panel, who will be the third Complaint Panel member, must be independent of the management and running of the Trust, (i.e. they must not be a member of staff or a Governor, and must not be linked to the Trust in another way, for example as a parent of a student at the Trust).
- 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”.*

### 6.3 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 his or her 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 Trust to be legally represented.
- The Trust will be represented at the Complaint Panel Hearing by the person who dealt with the complaint under Stage 3. This person will be referred to as the “Trust’s Representative” for the purposes of Stage 4.
- The Complaint Panel Hearing will be minuted by the Clerk to the Complaint Panel, who will usually be the Clerk to the Trust Board.

### 6.4 Convening the Complaint Panel Hearing

- After selecting the Complaint Panel members, the Clerk to the Trust Board 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 Clerk to the Trust Board 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 Clerk to the Trust Board will liaise with the Complaint Panel, the Complainant and the Trust’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 Clerk to the Trust Board 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 **20 school days** of receipt of the Complainant’s request, the letter must set out the exceptional circumstances involved.



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### 6.5 Documentation

- The Clerk to the Trust Board will forward a copy of all paperwork relating to the complaint to the Complainant, the Trust's Representative and the three Complaint Panel members. The paperwork will consist 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;
  - all review records under Stage 3 with the letter of outcome;
  - the Complainant's letter requesting a Complaint Panel Hearing and accompanying documents.
- The names of individuals other than the Complainant, the Complainant's family, members of the Trust's staff and Trust Board, will be redacted and replaced with a letter representing that particular individual 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 Clerk to the Trust Board to arrive **at least five school days** before the Complaint Panel Hearing, to enable the Clerk to the Trust Board to forward it to the Trust's Representative and the Complaint Panel members.

### 6.6 Witnesses

- The Chair of the Complaint Panel will decide, at his or her 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 has 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 Clerk to the Trust Board **at least five school days** before the Complaint Panel Hearing, to enable the Clerk to the Trust Board to forward it to the Trust'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 Trust 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.



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**7 PROCEDURE AT THE COMPLAINT PANEL HEARING**

This is documented in STAFF-P09-2-Complaints-Panel Hearing

**8 PROCEDURE AUTHOR**

8.1 The author of this procedure is the Principal They should be contacted for any points of clarification or suggested future amendments.

**9 VERSION CONTROL**

<b>Procedure Number</b>	STAFF-P09-1
<b>Procedure Name</b>	Complaints – Stages of Complaints
<b>Version Number</b>	01
<b>Publication Method</b>	External  A copy must be kept in U:\Staff Information\Policies\Procedures for Policies\STAFF Procedures
<b>Approved by</b>	Full Trust Board
<b>Date of Approval</b>	June 2022
<b>Key changes since previous version</b>	<ol style="list-style-type: none"><li>1. Reformatted to new standards</li><li>2. Separated from STAFF-09-Complaints Policy.</li><li>3. Information on Email inserted as point 3.3</li></ol>