

Complaints policy & procedure

Education Services Percy Hedley Foundation

This policy applies to:

Hedleys College

Northern Counties School

Percy Hedley School

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Policy Control/Monitoring

Approved by: (Position in Organisation)	Senior Business Manager, Education
Date (dd/mm/yyyy):	
Accountability: (Position in Organisation)	Corporate Quality Manager
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Version Control Tracker

Version Number	Date
1.0	November 2024
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1. Introduction

1.1 The Foundation aims to meet its statutory obligations when responding to complaints from service users, students, pupils, parents, families and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect and courtesy
- Make sure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into Foundation improvement evaluation processes

2. Purpose

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The Foundation will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will make sure we publicise the existence of this policy and make it available on the Foundation website.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

3. Scope

The Foundation intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

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This policy **does not** cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Suspension and permanent exclusion
- Whistleblowing
- Staff grievances
- Staff discipline
- Please see the Foundation's separate policies for procedures relating to these types of complaint.
- Complaints about services provided by other providers who use Foundation premises or facilities should be directed to the provider concerned.

4. Definitions

4.1 Definitions

DfE guidance explains the difference between a concern and a complaint as:

- A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”
- A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”

Complaints can be resolved formally, through this procedure, or informally depending on the complainant's choice. A “concern” can be defined as ‘an expression of worry or doubt’ where reassurance is required. Any complaint or concern will be taken seriously, whether formally or informally, and the appropriate procedures will be implemented. For this policy, concerns will be classed and addressed as complaints.

A “grievance” is an issue raised by a member of staff where they feel a policy or process has not been implemented fairly or properly. Grievances will be dealt with in line with the Grievance Policy.

4.2 Roles and responsibilities

For full details of roles and responsibilities see appendix 1 which covers:

- The complainant
- The investigator

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- The complaints co-ordinator
- Clerk to the governing advisory committee
- Governing Advisory Committee Chair

5. Principles

5.1 Verbal

PHF adopts the procedure below for responding to verbal complaints/concerns made to staff or to managers. All verbal complaints/concerns raised, no matter how seemingly unimportant, are taken seriously and are immediately acknowledged verbally.

5.2 Written Complaints

PHF adopts the procedure below for responding to written complaints, which might be made by letter or e-mail or on a form which the service makes available.

When investigating a complaint, we will try to clarify:

What has happened

Who was involved

What the complainant feels would put things right

We ask that the complainant raise the complaint as soon as possible with the relevant member of staff or the headteacher/principal as appropriate, either in person or by telephone or email. They will be available to discuss the complaint and assist in understanding what desired outcomes are being sought.

5.3 Timescales

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this timeframe in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, we will consider them to have been received on the first Foundation Day after the holiday period.

If at any point we cannot meet the timescales we have set out in this policy, we will:

- Set new time limits with the complainant

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- Send the complainant details of the new deadline and explain the delay

6. Compliance

This document meets the requirements set out in:

- part 7 of the schedule to the Education (Independent Foundation Standards) Regulations 2014
- guidance published by the Education and Skills Funding Agency (ESFA) and good practice guidance on setting up complaints procedures from the Department for Education (DfE).
- the Early Years Foundation Stage statutory framework

7. Procedure

7.1 Stages of dealing with a complaint (not complaints against the headteacher, principal or governors)

The stages of dealing with a complaint are shown in appendix 2

7.1.1 Stage 1: informal

The Foundation takes concerns seriously and will make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue. The service will work on the basis that wherever possible; complaints are best dealt with directly between the people who use the service and local management who will arrange for the appropriate enquiries to be made in line with the nature of the complaint.

- The complainant should raise the complaint as soon as possible with the relevant member of staff or the headteacher/principal as appropriate, either in person or by telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact complaints@percyhedley.org.uk
- Front-line staff who receive a verbal complaint are empowered to address the problem straight away, wherever possible. If staff cannot solve the problem immediately, they should offer to get a manager to deal with the concern/complaint.
- If an informal and immediate course of action to resolve the complaint is not possible or acceptable to the complainant, then the member of staff or manager will ask the complainant to confirm that stage 1 attempts to resolve

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this informally have not been possible and they would like to escalate to stage 2. A copy of the complaints procedure and complaints form will be provided.

- Details of all complaints/concerns (written and verbal) are recorded with information on how a specific matter was addressed.

All contact with the complainant should be polite, courteous and sympathetic. The Foundation will take such concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

7.1.2 Stage 2: formal

If stage 1 has not been successful in resolving the complaint/concern, a formal complaint should be raised:

- By letter or email
- Over the phone
- In person
- By a third party acting on behalf of the complainant

The complainant should provide details such as:

- relevant dates & times,
- the names of witnesses of events,
- copies of any relevant documents, and
- outlining what they feel would resolve the complaint and what ultimate outcome is being sought.

If complainants need assistance raising a formal complaint, they can contact complaints@percyhedley.org.uk

- The headteacher/principal (or Business Manager) will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 3 working days.
- The headteacher/principal (or designated investigating officer) will call a meeting to clarify concerns and seek a resolution. The complainant may be accompanied to this meeting and should inform the Investigating Manager of the identity of their companion in advance.
- In certain circumstances, the Foundation may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the Foundation will notify the

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complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

- The headteacher/principal (or designated investigating officer) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 15 working days. An extension may be sought if the investigation i
- Following completion of stage 2, if the complainant wishes to proceed to the next stage of the procedure, they should inform the designated Investigating Manager within 5 working days.
- Requests received outside of this timeframe will be considered in exceptional circumstances.
- The record of the complaint will be updated regularly by the Investigating manager.

How to escalate a complaint to stage 3

If stage 2 formal resolution has not been achieved, the complaint can be escalated by contacting the Investigating Manager:

- By letter or email
- Over the phone
- In person
- Through a third party acting on behalf of the complainant

The complainant should provide:

- details of the complaint
- how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and
- what outcome they are seeking and what they feel would resolve the complaint.
- The Investigating Manager will inform the headteacher/principal of the escalation, and the Business Manager will acknowledge receipt of the request within 3 working days.
- The record of the complaint will be updated by the Investigating or Business Manager.

7.1.3 Stage 3: governing advisory committee review panel

The Business Manager will alert the Chair, Clerk and Foundation Corporate Complaints Manager within 24hrs of receiving an escalated stage 3 complaint. The

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Business Manager will liaise with the Chair and Clerk on arrangements for convening a panel to hear the complaint.

For details of how a panel will be convened see appendix 3.

The outcome

The panel can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part

If the complaint is upheld, the committee will:

- Decide the appropriate action to resolve the complaint
- Where appropriate, recommend changes to the Foundation's systems or procedures to prevent similar issues in the future

The Panel Chair will inform those involved of the decision in writing within 5 working days.

The record of the complaint will be updated regularly by the Business manager.

7.2 Complaints against the headteacher, principal, a governor or the governing advisory committee

7.2.1 Stage 1: informal

Complaints made against the headteacher, or any member of the governing committee should be directed to the Director of Education in the first instance.

If the complaint is about the headteacher or 1 member of the governing committee (including the chair or vice-chair), a suitably skilled and impartial governor and the Director of Education will carry out steps at stage 1 to seek informal resolution.

7.2.2 Stage 2: formal

If the complaint is:

- Jointly about the chair and vice-chair or
- The entire governing committee or
- The majority of the governing committee

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The Director of Education and Foundation's Company Secretary will agree appointment of an independent investigator to carry out the steps in stage 2. They will write a formal response at the end of their investigation.

7.2.3 Stage 3: review panel

Subsequently if there is escalation following stage 2 and the complaint is:

Jointly about the chair and vice-chair or

The entire governing committee or

The majority of the governing committee

A committee of independent governors will hear the complaint. They will be sourced from the Foundation's other school or College.

7.3 Referring complaints on completion of the Foundation's procedure

Once the Foundation's complaint's process has been exhausted, if the complainant remains unsatisfied with the outcome, they can refer their complaint to the Department for Education if the complaint is regarding the Foundation not meeting standards set by the DfE in any of the following areas:

Education

Pupil welfare and health and safety

Foundation premises

Staff suitability

Making information available to parents

The spiritual, moral, social or cultural development of pupils

7.4 Complaints against the CEO or Executive Directors

Any complaint made against a member of staff will be initially dealt with by the Principal or Headteacher in the first instance with escalation through the Director of Education and CEO if required.

Any complaint made against the principal or headteacher shall be initially dealt with by the Director of Education and then by the CEO.

Any complaint made against Executive Directors, or the CEO should be made in writing to the Chair of Trustees who will then determine the most appropriate course of action, depending on the nature of the complaint. This action may involve sourcing an independent investigator to initially deal with the complaint and then getting the complaint to be heard by a co-opted panel of Trustees.

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Any complaint made against Trustees should be made in writing to the Company Secretary who will then determine the most appropriate course of action, depending on the nature of the complaint.

7.5. Persistent complaints

7.5.1 Unreasonably persistent complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it's already been resolved by following the Foundation's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaint's procedure, beyond all reason
- Pursues a valid complaint, but in an unreasonable manner, e.g. refuses to articulate the complaint, refuses to co-operate with this complaint's procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the timeframes it sets out
- Makes a complaint designed to cause disruption, annoyance or excessive demands on Foundation time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

Steps we will take:

We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the Foundation in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term

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- Ask the complainant to engage a third party to act on their behalf, such as [Citizens Advice](#)
- Put any other strategy in place as necessary

Stopping responding

- We may stop responding to the complainant when all of these factors are met:
 - We believe we have taken all reasonable steps to help address their concerns
 - We have provided a clear statement of our position and their options
 - The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience
- When we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.
- In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our Foundation site.

7.5.2 Duplicate complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and that the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint
- If there are new aspects, we will follow this procedure again.

7.5.3 Complaint campaigns

Where the Foundation receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the Foundation, the Foundation may respond to these complaints by:

- Publishing a single response on the Foundation website
- Sending a template response to all of the complainants

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If complainants are not satisfied with the Foundation's response, or wish to pursue the complaint further, the normal procedures will apply.

7.6 Record keeping and confidentiality

The Foundation will record the progress of all complaints and concerns, including information about actions taken at all stages, the stage at which the complaint was resolved, and the outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and stored securely, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a Foundation inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and records management policy/record retention schedule.

7.7. Learning lessons

The Director of Education and governing committee will review any underlying issues raised by complaints with the headteacher / senior leadership team, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the Foundation can make to its procedures or practice to help prevent similar events in the future.

7.8. Training

All PHF staff are trained to respond correctly to complaints of any kind. Complaints policy training is included in the induction training for all new staff and updated as indicated by any changes in the policy and procedures and in the light of experience of addressing complaints.

8. Monitoring arrangements

The Director of Education and Advisory Committees will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly. The

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Director of Education and Advisory Committees will track the number and nature of complaints and review underlying issues.

The complaints records for the Education Directorate will be logged and managed by the Business Manager

This policy will be reviewed every 2 years.

At each review, the policy will be approved by the Director, Education, Director, Corporate Services and the relevant Trustee Committee.

9. Links with other policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Suspension and permanent exclusion policy
- Staff grievance procedures
- Staff disciplinary procedures
- Special educational needs policy and information report
- Privacy notices

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Appendix 1 - Roles and responsibilities

The complainant

- The complainant will get a more effective and timely response to their complaint if they:
- Follow these procedures
- Co-operate with the Foundation throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed
- Treat all those involved with respect
- Do not publish details about the complaint on social media

The Investigator

- An individual will be appointed to look into the complaint and establish the facts. They will:
 - Interview all relevant parties, keeping notes
 - Consider records and any written evidence and keep these securely
 - Prepare a comprehensive report to the headteacher or complaints committee, which includes the facts and potential solutions
- The investigator will:
 - Keep the complainant up to date at each stage in the procedure
 - Make sure the process runs smoothly by liaising with staff members, the headteacher, chair of governors, clerk
- Be aware of issues relating to:
 - Sharing third-party information
 - Additional support needed by complainants; for example, interpretation support or where the complainant is a child or young person
- Keep records and Foundation systems updated

The complaints co-ordinator

The complaints co-ordinator can be:

- Executive Director
- Head of Service (ie headteacher/principal)

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- designated complaints governor
- Business manager or any Foundation staff member who is providing administrative support for the purposes of supporting the management of the complaint within the education and learning setting
- The complaints co-ordinator will:
- Support the investigator at each stage in the procedure in making sure the process runs smoothly
- Be aware of issues relating to:
 - Sharing third-party information
- Ensure records are kept and Foundation systems are updated in a timely manner
- Act as a clerk to the Advisory Committee (where necessary):
- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

Governing Advisory Committee Chair

The committee chair will (where necessary):

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

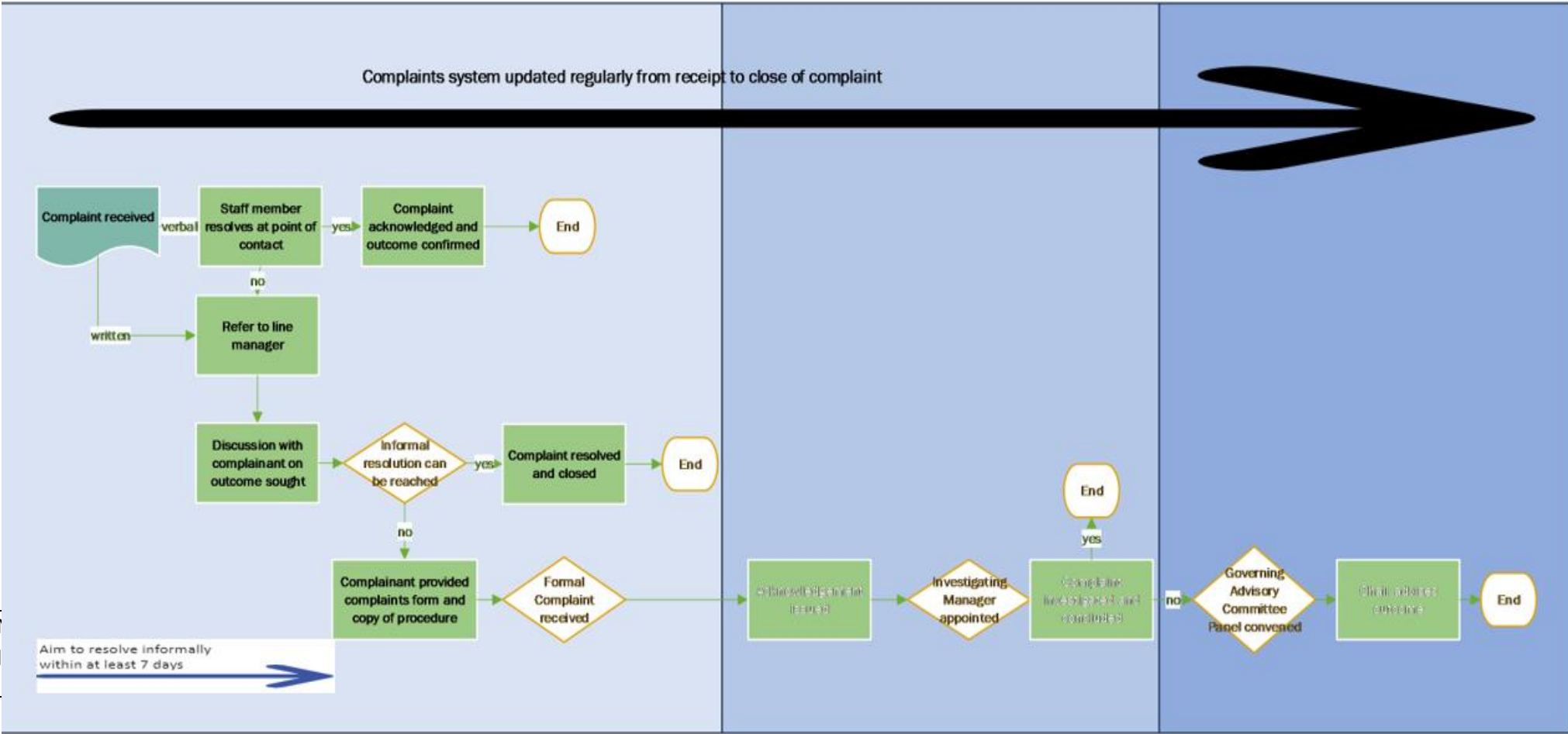
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Education Directorate
Concerns & Complaints Process

STAGE ONE

STAGE TWO

STAGE THREE



Appendix 3 – Stage 3 (convening a Panel)

A review panel will consist of the first 3 members of the governing advisory committee available who do not have direct knowledge of the complaint. These individuals will have access to the existing record of the complaint's progress. The governors will select a panel chair from among themselves.

If not enough impartial governors are available, the Chair and Clerk will seek panel members from other Foundation Education settings ensuring they are suitably skilled and can demonstrate that they are independent and impartial.

The complainant will be given reasonable notice of the date of the review panel. The clerk will aim to find a date within 10 working days of the request, where possible.

If the complainant rejects the offer of 3 proposed dates without good reason, the clerk will set a date. The hearing will go ahead using written submissions from both parties.

Any written material will be circulated to all parties at least 3 working days before the date of the meeting.

At the meeting

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

At the review panel meeting, the complainant and representatives from the Foundation, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish. We don't encourage either party to bring legal representation but will consider it on a case-by-case basis. For instance, if a Foundation employee is called as a witness in a complaint meeting, they may wish to be supported by their union.

Representatives from the media are not permitted to attend.

At the meeting, everyone will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence.

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The panel, the complainant and the Foundation representative will be given the chance to ask and reply to questions. Once the complainant and Foundation representatives have completed presenting their cases, they will be asked to leave, and evidence will then be considered.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the headteacher.

Roles

The role of the Chair at stage three of the procedures is to:

- Ensure minutes of hearings are taken on every occasion.
- Explain remit of the panel to the complainant.
- Ensure all issues are addressed and outcomes are reached based on facts and evidence.
- Help to put at ease and console individuals involved who are not used to speaking at such hearings, particularly any pupils involved. When a child is present at the hearing, extra care needs to be taken to ensure that the child does not feel intimidated, as well as ensuring the child's view is represented equally.
- Conduct the hearing in an informal manner, ensuring that everyone is treated with respect and courtesy.
- Ensure that the room's layout and setting is informal and non-adversarial, yet still sets the appropriate tone.
- Confirm that no member of the panel has previously been involved in the earlier stages of the procedure or has an external interest in the outcome of the proceedings.
- Give both the complainant and the Foundation the opportunity to state their case and seek clarity without undue interruption.
- Ensure that copies of any written material or evidence is provided to everyone in attendance at the meeting and ensure that everyone has seen the necessary material.
- Organise a short adjournment of the hearing if required.
- Continuously liaise with the Clerk and Complaints Co-Ordinator to ensure the procedure runs smoothly.
- Help to provide the support necessary where the complainant is a child.

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All Panel Members, at stage three, will be aware that:

- The review panel hearing is independent and impartial.
- No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel.
- The aim of the panel is to achieve a reasonable resolution and, ultimately, attain reconciliation between the parties involved.
- Reconciliation between the Foundation and complainant is not always achievable, and that it may only be possible to establish facts and make recommendations to reassure the complainant that their case has been taken seriously.
- The Panel can:
 - o Dismiss or uphold the complaint, in whole or in part.
 - o Decide on appropriate action to be taken.
 - o Recommend changes that the Foundation can make to prevent a recurrence of the problem.

The Panel Clerk, at stage three, will:

- typically, be the Clerk to the Advisory Committee
- Continuously liaise with the Complaints Co-Ordinator.
- Record the proceedings.
- Set the date, time and venue of all hearings, ensuring that this is appropriate, convenient and accessible to all parties involved.
- Collate all written material or evidence involved and send it to the parties involved in timely advance of the hearing.
- Greet all parties as they arrive at the hearing.
- Ensure that the minutes of the panel hearing are circulated.
- Notify the relevant parties of the panel's decision and any actions to be taken.

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