# Horizon Community College Complaints Procedure Policy - College

*Updated:*
*November 2020*
*Ratified:*
*November 2020*

# COMPLAINTS PROCEDURE POLICY

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## SECTION 1 Responsibility and Statement

Handling complaints during the coronavirus (COVID-19 outbreak)
Due to the COVID-19 outbreak, the school/college will continue to engage with parents and pupils and seek to resolve enquiries at an informal level. In the event of the formal stage commencing the school will continue to work within the specified timescales. Please be aware that subject to both school/college and parents experiencing the need to self-isolate, closure etc. you will be contacted if the need to consider pausing/extending the process is appropriate and also if there is a requirement to move to a formal stage this may be conducted virtually and recorded and shared with all parties.

HCAT is committed to maintaining positive relationships with parents and carers and it is important to us that our schools establish and maintain strong home/school partnerships to ensure the best education for the pupils.

However, we recognise that sometimes parents/carers may need to raise issues with us and we want to ensure that we try to resolve any issues as quickly and sympathetically as possible. We also want to reassure parents and carers that we do take any concerns or complaints very seriously.

We would like to let you know that this procedure applies to all schools within HCAT and is in accordance with Section 29 of the Education Act 2002, and Part 7 The Education (Independent Schools Standards) Regulations 2014 all academies and schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

The responsibility for the procedure whereby parents can make a complaint is that of the Local Governing Body and the Board of Trustees.

The Local Authority has no role in the managing of complaints against the Schools within our Trust.

**HCAT Statement**

"HCAT is committed to providing the very best opportunities for all students in our care. There are occasions, however, when parents/carers may feel the need to challenge a decision that has been made. To that end, what follows is a Policy to ensure that complaints are treated promptly, fairly and transparently."
Anonymous complaints will not be dealt with.

## SECTION 2 Complaint or Concern

**Who can make a complaint?**

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the general public, may make a complaint to Horizon Community College about any provision of facilities or services that a school provides. Unless complaints are dealt with under separate statutory procedures such as appeals relating to exclusions or admissions, we will use this complaints procedure.

A complaint can be made by a third party acting on behalf of the complainant. However, written consent from the complainant **must** be given before disclosing information to a third party.

**The difference between a concern and a complaint**

A 'concern' may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

A complaint may be generally defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.

Where a parent/carer raises an issue, it will be important to establish whether the parent/carer has a concern regarding a particular issue which they wish to be addressed by the College, or whether the parent/carer has a complaint which they want investigating.

Sometimes parents/carers use the term 'complaint' which in fact is a concern that can be dealt with quickly and informally, normally by arranging a meeting.

The procedure for contacting the College regarding a parent's concern: -

In the first instance, parents/carers should contact by letter, email or in person, the appropriate Head of School for the year group of their child or the Headteacher / Head of School.

It is in everyone's interest that concerns, and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaint's procedure. HCAT takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Head of Year / Headteacher / Head of School will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the head of Year / Headteacher / Head of School will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, HCAT will attempt to resolve the issue internally, through the stages outlined within this complaint's procedure.

## SECTION 3 Complaints not in the Scope of the Procedure

This procedure covers all complaints about any provision of community facilities or services by Horizon Community College, other than complaints that are dealt with under other statutory procedures, including those listed below.

| **Exceptions** | **Who to Contact** |
|---|---|
| • Admissions to schools<br>• Statutory of Assessment of Special Educational Needs (SEN)<br>• School reorganizational Proposals | Concerns about admissions, statutory assessments of Special Educational Needs or school re-organisational proposals should be raised with the Local Authority. |
| • Exclusion of children from school | Further information about raising concerns about exclusion can be found at:<br><br>www.gov.uk/school-discipline-exclusions/exclusions<br><br>**Complaints about the application of the behaviour policy can be made through the school's complaints procedure.* |
| • 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. 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). |
| • Whistleblowing | We have an internal whistleblowing procedure for all our employees including temporary staff and contractors.<br><br>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to |

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|---|---|
| | raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus<br><br>Other concerns can be raised directly with Ofsted by telephone on 0300 123 3155, via email at:<br><br>whistleblowing@ofsted.gov.uk or by writing to:<br><br>WBHL, Ofsted<br>Piccadilly Gate<br>Store Street Manchester<br>M1 2WD.<br><br>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint. |
| • Staff grievances | Complaints from staff will be dealt with under the school's internal disciplinary procedures, if appropriate. |
| • Complaints about services provided by other providers who may use school/college premises or facilities. | Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct. |
| • National Curriculum - content | Please contact the Department for Education at: www.education.gov.uk/contactus |

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 procedure or result in the procedure being suspended until those public bodies have completed their investigations.

## SECTION 4 Sample Policy for Unreasonable Complaints

HCAT is 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 our Schools. 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.

HCAT defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the college, hinder our consideration of their or other people's complaints'.

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 co-operate 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 a complaint's procedure

- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice

- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, 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 College's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education

- seeks an unrealistic outcome

- makes excessive demands on school 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

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically: -

- 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

Complainants should limit the numbers 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.

Whenever possible, the School representative or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the School representative will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the 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.

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 banning an individual from the School.

## SECTION 5 Barring from the School Premises

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

If a parent's/carer's behaviour is a cause for concern, a college can ask him/her to leave the premises. In serious cases, the CEO will notify them in writing that their implied license to be on the premises has been temporarily revoked subject to any representations that the parent may wish to make. Schools/Colleges should always give the parent/carer the opportunity to formally express their views on the decision to bar in writing.

The decision to bar should then be reviewed, taking into account any representations made by the parent/carer, and either confirmed or lifted. If the decision is confirmed the parent/carer should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the School representative or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the School's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

## SECTION 6 How to Raise a Concern or Make a Complaint

In order for a complaint to be considered, the parent/carer must complete the complaint form, which is provided at the end of this policy. The complaint form can be submitted as a paper copy or by email to Karen Cooper, P.A. to College representative, - kcooper@horizoncc.co.uk

Complaints made by telephone will not be dealt with until a complaint form is received.

An acknowledgement to the complaint will be made within 5 school days of receiving the complaint form.

The parent/carer **may** be invited to consider resolving the issue by an informal meeting at the School/College. (Please note meetings are scheduled between 8am and 4pm, during the school working day).

The person who will manage the complaint and carry out the investigation will be nominated by the School/College representative and will depend on the content of the complaint.

A complaint will be investigated as quickly as is reasonably possible, taking account of the complexity of the issues. Under normal circumstances, a parent/carer would receive the outcome to the complaint within 15 school days after the initial response to the complaint being received.

Complaints should not be shared with the whole governing body, except in very general terms, in case an appeal panel needs to be organised

If the whole governing body is aware of the substance of a complaint before the final stage has been completed, college should arrange for an independent panel to hear the complaint. They may approach a different school within the Trust to ask for help or support

**Investigating the complaint**

The person investigating the complaint will: -

- establish **what** has happened so far and **who** has been involved
- clarify the nature of the complaint and what remains unresolved

- meet with the complainant or contact them (if unsure or further information is necessary)
- clarify what the complainant feels would put things right
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- conduct the interview with an open mind and be prepared to persist in the questioning
- keep notes of the interview

**Resolving the complaint**

There are three possible outcomes to complaints: -

- no evidence to support the complaint; or
- valid in part; or
- valid in whole

Depending on the outcome of the complaint, the School representative will decide which of the following responses is appropriate: -

- the complaint is not upheld
- offering an apology and full explanation for what went wrong
- an admission that the situation could have been handled differently or better
- taking steps to remedy the situation if appropriate
- taking action to ensure that the problem is not repeated, including amending a College policy if this is appropriate

The response to the complainant will be confirmed in writing.

**Withdrawal of a Complaint**

If a complainant wants to withdraw their complaint, they <u>must</u> confirm this in writing.

**Record Keeping and Confidentiality**

A written record will be kept of all complaints that are made to the School/College:

a) whether they are resolved following a formal procedure, or proceed to a panel hearing: and

b) action taken by the school as a result of those complaints (a) regardless of whether they are upheld

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

## SECTION 7 Appeals Procedure

**Appeal to the School's Complaints Committee**

Where the complainant remains dissatisfied with the outcome, **they can** make an appeal to the Complaints Committee using the form which is provided at the end of this policy. An appeal **must** be made within 10 school days of receiving the response to the complaint.

Complainants have the right to request an independent panel, if they believe there is likely to be bias in the proceedings. The panel hearing the complaints will be made up of two governors and one member who is independent of the management and running of the School/College.

The purpose of the appeal is to ensure that the complaints procedure was implemented correctly and every issue within the complaint thoroughly investigated. The appeal panel can decide to consider the complaint afresh in certain circumstances.

**It is important to note that professional decisions that are made in School/College are the responsibility of the School representative. If the Complaints Committee does not agree with the School representative's decision, they can make recommendations to the college representative inviting them to re-consider their original decision.**

Where a parent/carer decides to appeal the School's decision, they **must** submit an appeal form to the Chairperson of the Governing Body at the College address.

Upon receipt of the appeal form it will be acknowledged within 5 school days.

The Appeal Hearing will be arranged within 15 school days of the School/College receiving the parent/carer's appeal form.

Two dates for the appeal will be offered to the parent/carer. The parent/carer must confirm within 3 school days their preferred date. If the parent/carer cannot attend the dates offered, the appeal will go ahead, and the parent/carer will be informed by letter of the outcome.

Any extra information the complainant wishes to be included in the appeal **MUST** be with the committee at least **3 WORKING DAYS** before the date of hearing. Extra information received after this deadline will not be included.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with by completing the complaints form, to start the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not permitted. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

**Legal Representation**

In the event that a complaint progresses to School's Complaints Committee it is recommended that neither the complainant nor the School bring legal representation. However, the complainant has the right to be accompanied by a friend or relative at the appeal hearing. These committees are not a form of legal proceedings.

The aim of the complaints committee is:

- reconciliation
- to put right things that may have gone wrong

We recognise there are occasions where legal representation may be appropriate.

## SECTION 8 Advice to Parents

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Horizon Community College. They will consider whether the college has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD.

**Raising a complaint with the Education and Skills Funding Agency**

The Education and Skills Funding Agency (ESFA) will only consider a complaint after the Trust's own complaints procedure has been exhausted. The ESFA cannot review or overturn decisions about complaints made against Academy schools, they can only investigate whether the Trust has considered the complaint appropriately. If the ESFA finds that the Trust did not consider the complaint appropriately it can request that the College to reconsider the complaint.

The ESFA will investigate complaints about:

- undue delay or non-compliance with the college's own complaints procedure
- allegations that the college has failed to comply with a duty imposed on it under its Funding Agreement with the Secretary of State
- allegations that the college has failed to comply with any other legal obligation placed on it, except in cases where there is another body or organisation that is, in the view of the ESFA, better placed to consider and, if necessary, take further action in connection with the issue including but not limited to, a Court of Law or other Tribunal of competent jurisdiction, local authorities or other regulatory bodies

The ESFA will not investigate complaints about:

- examination results or curriculum content where a more appropriate form of redress would be the examining body or Ofqual
- consideration of special education needs for an individual student
- matters that are subject of legal action

The ESFA will not usually investigate complaints more than 12 months after a School's decision unless the complainant has good reason for the delay in making the complaint. The ESFA reserves the right not to investigate complaints considered to be vexatious or malicious or where they are satisfied with the action that the Trust has already taken or proposes to take to resolve the complaint.

Complaints to the ESFA should be sent to:

- https://form.education.gov.uk/en/AchieveForms/?form_uri=sandbox-publish://AF-Process-f9f4f5a1-936f-448b-bbeb-9dcdd595f468/AF-Stage-8aa41278-3cdd-45a3-ad87-80cbffb8b992/definition.json&redirectlink=%2Fen&cancelRedirectLink=%2Fen

- by post to ESFA Complaints, Chief Executive's Office, Cheylesmore House, Quinton Road, Coventry, CV1 2WT

**Referring the complaint to Ofsted**

Ofsted will not usually consider a complaint if the parent/carer has not first followed the School's complaints procedure.

Ofsted can consider complaints where it affects the School as a whole e.g.: -

- the College not providing a good enough education
- the students are not achieving as much as they should, or their differing needs are not being met
- the College is not well led and managed, or is wasting money
- the students' personal development and well-being are being neglected

Ofsted will not normally investigate cases to do with individual students.

Ofsted cannot consider complaints when there are other statutory ways of pursuing them.

Examples include complaints relating to: -

- admission procedures
- exclusion of individual students
- provision for individual students with special educational needs
- religious education or the religious character of a school
- temporary changes to the curriculum

Ofsted are not in a position to: -

- Investigate incidents that are alleged to have taken place
- Judge how well a school investigated or responded to a complaint
- Mediate between a parent/carer and a school to resolve a dispute

**Referring the complaint to the Secretary of State**

If the parent/carer considers that the Governing Body have acted unreasonably, they can write to the Secretary of State for Education. Complaints are handled by the Department for Education (DfE).

The DfE role is not to investigate the individual complaint, but to ensure that the School's published policy is correct and that all the procedures were followed within the timescales and the parent/carer provided with an outcome to their complaint.

# COMPLAINTS COMMITTEE

## CONSTITUTION

1. The Committee shall consist of 3 members, 2 Governors appointed by the governing Body and an additional member who is independent of the management and running of the School excluding the School representative and Staff Governors.

2. Where the Chairperson of the Governing Body is a member of the Committee, they shall not attend any meeting where they have participated in the management of the complaint.

3. The Chairperson of the committee shall be elected by the committee.

4. The quorum shall consist of the 3 members of the committee.

5. A Clerk to the Committee will be appointed.

6. The Clerk will ensure:

    I. a minimum of 7 clear days' notice of a meeting is given in writing to each committee member along with the agenda;

    II. the decisions of the committee are included in the agenda of the next Governing Body meeting and reported to The Trust. The minutes of the committee are confidential and are available to appropriate people only.

7. The Committee is authorised to make decisions on behalf of The Governing Body only in respect of those powers specifically within the Terms of Reference.

## TERMS OF REFERENCE

1. To hear appeals from parents/carers together with representations from the School representative or Chairperson.

2. To notify in writing, to the parent/carer, the outcome of the appeal.

# PROCEDURE FOR THE COMPLAINTS COMMITTEE

1. The School/College representative (or Chairperson[1]) and parent/carer will be invited into the meeting.

2. Those present will introduce themselves.

3. The Clerk will explain the procedure for hearing the parent's/carer's complaint.

4. The parent/carer will present the complaint.

5. The members of the committee may if they wish, ask the parent/carer questions.

6. The School/College representative/Chair of Governors may ask questions of the parent/carer.

7. The School/College representative/Chairperson will be invited to explain how the complaint was managed and what decisions were taken on the complaint.

8. The members of the committee, may if they wish, ask the School/College representative/Chairperson questions.

9. The parent/carer may ask the School/College representative/Chairperson questions.

10. Following summaries by the parent/carer and School/College representative/Chairperson, they will leave the meeting.

11. The Committee will then come to a decision on the complaint.

    **Findings and Recommendations**

    A copy of the findings and recommendations will be:

    a) Provided to the complainant and, where relevant the person complained about; and

    b) Available for inspection on the school premises by the Principal / Head of School / Headteacher

12. Following the meeting the Clerk will write to the parent/carer and the School/ College representative/Chairperson informing them of the Committee's decision.

Witnesses may be questioned on any statement made or evidence given.

[1] Where the Chairperson has investigated the complaint instead of the College representative

**HCAT Formal Complaint Form**

Please complete and return to the Principal / Head of School / Chair of Local Governing Body / Chair of HCAT / CEO HCAT (delete as appropriate) who will acknowledge receipt and explain what action will be taken.

| |
|---|
| **Your Name:** |
| **Student Name:** |
| **Relationship to the student:** |
| **Address:** |
| **Daytime Telephone Number:** |
| **Evening Telephone number Number:** |
| **Mobile Telephone Number:** |
| **E-mail Address:** |
| **Please give the details of your complaint (attach additional sheets if necessary)** |

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| **What action, if any, have you already taken to try to resolve your complaint? Who did you speak to and what was the response?** |

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| **What outcome would you like to see from the School/College to address your complaint?**<br><br>**e.g. An apology; An explanation of what went wrong; A practical action to correct the problem; Recommendations to the School/College to avoid a similar situation again.** |
| **Are you attaching any supporting paperwork? If so please give details** |
| **Signature:** |
| **Date:** |
| **Date received in School:** |
| **Acknowledgement sent on:**<br><br>**by:** |

**HCAT Appeal Complaint Form**

Please complete and return to the Principal / Head of School / Chair of Local Governing Body / Chair of HCAT / CEO HCAT (delete as appropriate) who will acknowledge receipt and explain what action will be taken.

| |
|---|
| **Your Name:** |
| **Student Name:** |
| **Relationship to the student:** |
| **Address:** |
| **Daytime Telephone Number:** |
| **Evening Telephone number Number:** |
| **Mobile Telephone Number:** |
| **E-mail Address:** |
| **The Appeal Complaint**<br>Please give the details of yourappeal against the way your complaint was handled by the School:<br>(attach additional sheets if necessary) |

| |
|---|
| **What outcome would you like to see from the School/College to address your appeal complaint?** |
| **Signature:** |
| **Date:** |
| **Date received in School:** |
| **Acknowledgement sent on:**<br>**by:** |