

COMPLAINTS PROCEDURE

Introduction

Hinchley Wood Learning Partnership endeavours to provide the best education possible for all of its pupils in an open and transparent environment. We welcome any feedback that we receive from parents and pupils and we accept that not all of this will be positive. Where concerns are raised the schools intend for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without Prejudice

In order to do so, the Trust Board of Hinchley Wood Learning Partnership (HWLP) has approved the following procedure which explains what you should do if you have any concerns about the schools.

Who can make a complaint?

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

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 defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

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 complaints procedure. HWLP 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, you will be referred to an appropriate alternative staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, you will be referred 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, HWLP will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

How to raise a concern or make a complaint

A concern can be raised in person, in writing or by telephone. They may also be made by a third party acting on behalf of the person with the concern, as long as they have appropriate consent to do so. Concerns should be raised with either the class teacher or Headteacher of the school.

If the issue remains unresolved, the next step is to make a formal complaint, using the Complaint Form (Appendix B). If you require assistance with completing the form, please contact the school office.

Complainants should not approach individual local governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at a later stage of the procedure.

A template complaint form is included at the end of this procedure, this must be completed for all stages of the procedure and, in particular, the section stating desired outcome from the procedure must be completed. If you require help in completing the form, please contact the school office. You can also ask a third-party organisation such as the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Anonymous complaints

We will not normally investigate anonymous complaints. However, the Headteacher, Chair of Local Governing Body, CEO or Chair of Trustees, as appropriate, will determine whether the complaint warrants an investigation.

Timescales for raising a complaint

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame only if exceptional circumstances apply. These may include: where new evidence has come to light; where the complaint is of an especially serious nature; where there is reasonable justification as to why the complainant has been unable to raise the matter before this time. In such circumstances, the Headteacher and/or Chair of Local Governing Body will review the situation and decide whether to enact the Complaints Procedure.

Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

Audio or video evidence

Complainants should make sure they obtain informed consent from all parties present before recording conversations or meetings. In line with DfE guidance, we do not normally accept electronic recordings as evidence when we are asked to consider a complaint. Unless exceptional circumstances apply, we will not accept, as evidence, recordings of conversations that were obtained covertly and without informed consent of all parties being recorded.

Deviation from the procedure

There may be occasions when it is necessary or reasonable to deviate from the published complaints procedure. In these cases, the complainant will be kept informed and reasons for the deviation given.

Scope of this complaints procedure

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

Exceptions	Who to contact
<ul style="list-style-type: none"> ▪ Admissions to schools 	<p>Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.</p>
<ul style="list-style-type: none"> ▪ Matters likely to require a Child Protection Investigation 	<p>Complaints about child protection matters are handled under our Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the Local Authority Designated Officer (LADO) who has local responsibility for safeguarding or the Surrey Children’s Single Point of Access (C-SPA) on 0300 470 9100.</p>
<ul style="list-style-type: none"> ▪ Exclusion of children from school* 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p> <p><i>*complaints about the application of the Behaviour Policy can be made through this Complaints Procedure.</i></p>
<ul style="list-style-type: none"> ▪ Whistle blowing 	<p>We have an internal procedure for all our employees, including temporary staff and contractors – ‘Speaking Up’ – Reporting of Wrongdoing.</p> <p>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.</p> <p>Volunteer staff who have concerns about our schools should complain through this 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.</p>
<ul style="list-style-type: none"> ▪ Staff grievances 	<p>Complaints from staff will be dealt with under the school’s internal grievance procedures.</p>
<ul style="list-style-type: none"> ▪ Staff conduct 	<p>Complaints about staff will be dealt with under the school’s internal disciplinary or capability procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the</p>

	complainant will be notified that the matter is being addressed.
<ul style="list-style-type: none"> ▪ Complaints about services provided by other providers who may use school premises or facilities 	Providers should have their own complaints procedure to deal with complaints about service. Please contact them directly.
<ul style="list-style-type: none"> ▪ Statutory assessments of Special Educational Needs and Disability (SEND) 	Refer to the Surrey Local Offer website (https://www.surreylocaloffer.org.uk/kb5/surrey/localoffer/home.page) or contact the Local Authority where you live.
<ul style="list-style-type: none"> ▪ Subject Access Requests and Freedom of Information Requests 	Please see the school's Data Protection and Freedom of Information policies
<ul style="list-style-type: none"> ▪ Complaints regarding discrimination and harassment based on protected characteristics as defined in the Equality Act 2010 	This Complaints Procedure applies but the complainant has a further right of appeal to SENDIST (Special Educational Needs and Disability First Tier Tribunal) for complaints about disability discrimination or to the County Court for all other unresolved disputes regarding protected characteristics

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. If this happens, we will inform you of a proposed new timescale.

If a complainant commences legal action against any school in HWLP in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

Resolving complaints

At each stage in the procedure, HWLP wants 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 about 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 in light of the complaint
- an apology.

In addition, mediation can provide a helpful mechanism for discussion when a complaint is raised, and can help to rebuild the relationship between parties once all of the investigative stages of the complaints procedure have been complete.

Withdrawal of a complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

Concerns and informal complaints

It is to be hoped that most concerns can be expressed and resolved on an informal basis, within 10 school working days.

Concerns should be raised with either the tutor or class teacher, Head of Year/subject head or Headteacher of the school. Complainants should not approach individual trustees or local governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at a later stage of the procedure.

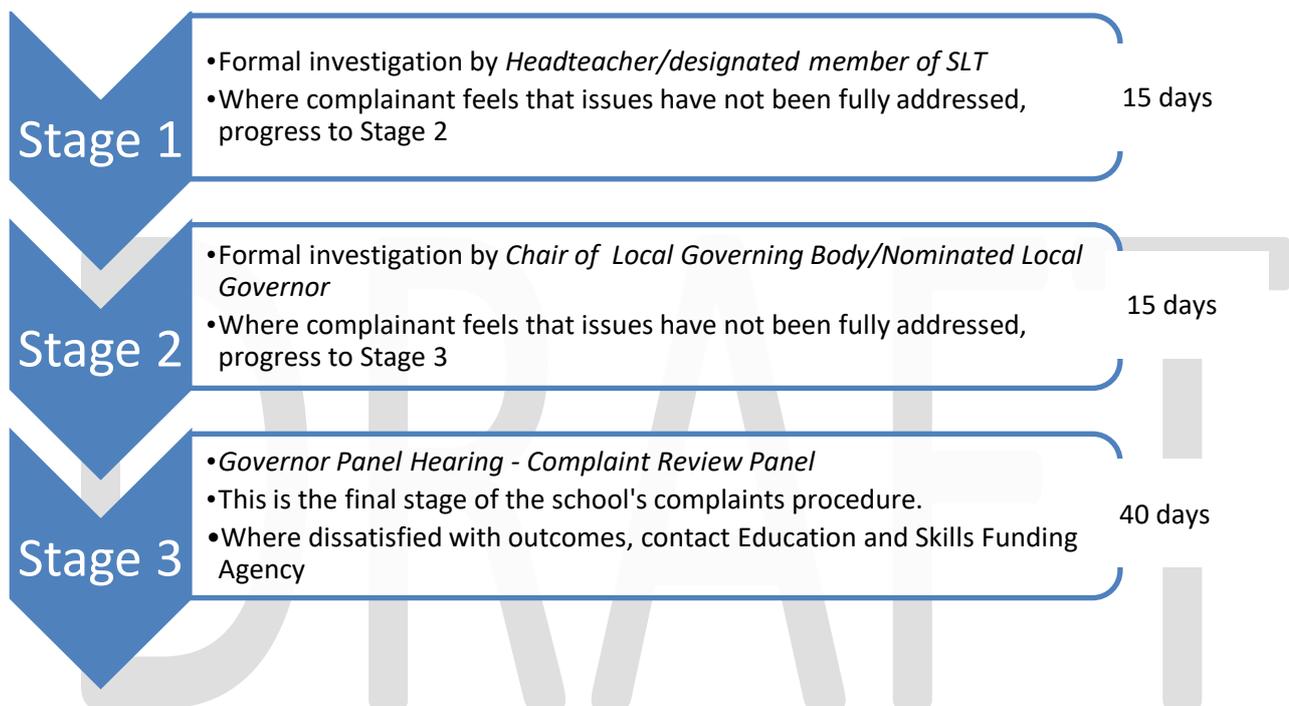
If the issue remains unresolved, the next step is to make a formal complaint.

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Formal complaints

Summary of timeline for formal complaints

Each school will endeavour to abide by timeframes stated under each stage but acknowledges that, in some circumstances, this is not always possible due to the complexity of information needed to review a complaint or difficulties regarding an individual's availability to deal with the complaint, or because of issues that are outside of the school's control. If it becomes apparent that it is not possible to complete any stage of the complaints procedure within a given timeframe, the individual responsible for handling the complaint will contact the complainant as soon as possible and come to an agreed timeframe that works for all parties involved.



Stage 1 Investigation by the Headteacher/designated member of Senior Leadership Team (SLT)

- Acknowledgement of receipt of complaint to be sent within 3 days of receipt of the complaint.
- All complainants must complete the Stage 1 Complaints Form and must include their desired outcome on the form.
- Complaint to be investigated and written response to be received by complainant within 15 days of receipt of the formal complaint.

Stage 2 Governor Investigation

- If the complainant believes that their complaint has not been fully addressed at Stage 1, they may request to move to Stage 2. This request must be made within 10 days of the receipt of the outcome letter at Stage 1. All complainants must complete the Stage 2 Complaints Form and must include their desired outcome on the form.
- Acknowledgement of receipt of complaint to be sent within 3 days of receipt of the complaint.
- Complaint to be investigated and written response to be received by complainant within 15 days of receipt of the Stage 2 formal complaint.

Stage 3 Governor Panel Hearing

- If the complainant believes that their complaint has not been fully addressed at Stage 2, they may request to move to Stage 3. This request must be made within 10 days of the receipt of the outcome letter at Stage 2. All complainants must complete the Stage 3 Complaints Form and must include their desired outcome on this form.
- Acknowledgement of receipt of request to escalate complaint to Stage 3 to be sent within 5 days.
- Hearing to be held within 30 days of receipt of request to go to Stage 3.
- Paperwork for Stage 3 hearing to be received from all parties at least 10 days before the hearing.
- Paperwork for Stage 3 hearing to be sent to all parties at least 5 days before the hearing.
- Outcome letter from panel to be received by complainant within 10 days of the hearing.

Note: In all cases, timescales refer to school days so exclude weekends, school holidays and INSET days.

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Stage 1 – Headteacher investigation

Formal complaints must be made to the Headteacher (unless they are about the Headteacher), via the school office. This must be done in writing

on the Complaint Form (see Appendix A for the contact details of the Headteacher, and Appendix B for a copy of the form). The form is useful as it ensures that relevant information is communicated at the outset. The complainant must explain in writing:

- Details of the complaint
- Action taken so far and solutions offered
- Why the complaint remains unresolved
- What action they would like to be taken to resolve the problem.
- What outcome they are seeking from the process

The Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within **3 school days**.

Within this response, the Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Headteacher can consider whether a face-to-face meeting is the most appropriate way of doing this. If a meeting is held, the concerns will be discussed and resolution will be sought. If agreement can be reached at that point on a way forward which is satisfactory to all parties, this will be confirmed in writing following the meeting. If the issues are not resolved by the end of the meeting, the Headteacher/designated member of SLT will then commence a full investigation.

Note: The Headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

During the investigation, the Headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Headteacher will provide a formal written response within 15 school days of the date of receipt of the complaint.

If the Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school will take to resolve the complaint.

The Headteacher will advise the complainant of how to escalate their complaint if they believe it has not been fully addressed at this stage.

If the complaint is about the Headteacher, or a member of the Local Governing Body (including the Chair or Vice-Chair), a suitably skilled trustee/local governor will be appointed to complete all the actions at Stage 2.

Complaints about the Headteacher or member of the Local Governing Body must be made to the Clerk, via the school office.

If the complaint is:

- Jointly about the Chair and Vice Chair or
- The entire Local Governing Body or
- The majority of the Local Governing Body

The complaint will move to Stage 2 and will be considered by an independent investigator appointed by the Local Governing Body. At the conclusion of their investigation, the independent investigator will provide a formal written response to the complainant with a copy to the Headteacher.

Stage 2 – Local Governor Investigation

If the complainant believes that their complaint has not been fully addressed at Stage 1, they may request a Stage 2 investigation. This must be done in writing on the Complaint Form (see Appendix A for the contact details of the Chair of Local Governing Body and Appendix B for a copy of the form).

The Chair of the Local Governing Body may choose to delegate the investigation of the complaint to a Nominated Local Governor who may, at the sole discretion of the Chair be independent of the school. The investigating governor will have had no prior involvement in the complaint.

Receipt of the complaint form will be acknowledged. In most cases the complainant will be invited to meet with the Chair of the Local Governing Body/Nominated Local Governor at the outset of the process. The aim of this meeting is to enable the Chair/Nominated Local Governor to understand the scope of the complaint and desired outcomes prior to commencing their investigation.

The Chair of Local Governing Body/Nominated Local Governor will consider all relevant evidence; this may include but is not limited to:

- evidence and outcome from Stage 1 investigation if applicable
- a statement from the complainant
- where relevant a meeting with/statement from an individual who is the subject of the complaint
- any previous correspondence regarding the complaint
- any supporting documents from all parties
- interviews with /statements from anyone related to the complaint, this may include children / young people
- relevant policies and whether they were followed.

After considering the available evidence, the Chair of Local Governing Body/Nominated Local Governor may:

- uphold the complaint and direct that certain action be taken to resolve it
- not uphold the complaint and provide the complainant with details of the Stage 3 complaint review process
- Not uphold the complaint but make recommendations to improve policies and/or procedures
- Uphold the complaint in part: in other words, the Chair of Local Governing Body / Nominated Local Governor may find one aspect of the complaint to be valid, but not another aspect. They may recommend certain action to be taken to resolve any aspect that they find in favour of the complainant.

The Chair of Local Governing Body/Nominated Local Governor should inform the complainant of their decision in writing **within 15 days of receipt of the complaint**. They should explain clearly why they have come to the decision that they made. They should detail any agreed actions as a result of the complaint. Finally, they should provide the complainant with details of how to progress the complaint to Stage 3 if they believe their complaint has not been fully addressed, providing them with the contact details of the Clerk to Local Governors (Appendix A). Should the complaint not be resolved, independent mediation may be considered. This can be arranged through the Area Schools Support Service and will be impartial and objective.

Stage 3 – Panel Hearing

If the complainant does not believe that their complaint has been fully addressed at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3. This consists of a Panel hearing with at least three local governors and/or trustees who were not directly involved in the matters detailed in the complaint or any previous investigation, One of the Complaint Panel members will be independent of the management and running of the Academy Trust. This means that the independent Complaint Panel member will not be a Trustee/Local Governor or an employee of the Trust.

Complainants can request an independent complaints committee if they believe there is likely to be bias in the proceedings. They should provide evidence of bias in support of their request, as it is the panel's decision whether to agree to it. If the appearance of bias is sufficient to taint the decision reached, then it is recommended that the panel grants such requests.

This is the final stage of the Trust's complaints procedure.

Timeline

A request to escalate to Stage 3 must be made in writing on the Complaints Form (Appendix B) to the Clerk, via the school office, within **10 school days** of receipt of the Stage 2 response. Requests received outside of this time frame will only be considered if exceptional circumstances apply and are explained to the Clerk at the same time that the request for a Stage 3 hearing is made.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within **5 school days**.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within **30 school days** of receipt of the Stage 3 request. If this is not possible, the

Clerk will provide an anticipated date and keep the complainant informed. If the complainant rejects the offer of two proposed dates, without good reason, the Clerk will decide when to hold the meeting. In this case the Panel will meet with the Clerk and Area Schools Officer in attendance, and consider the complaint on the basis of written submissions from both parties, with neither party being present.

At least **15 school days** before the meeting, the Clerk will:

- confirm and notify both parties of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible and
- inform both parties that copies of any further written material should be submitted to the clerk at least **10 school days** before the meeting. Any evidence submitted after this, including on the day of the hearing, will only be considered in exceptional circumstances with the agreement of the panel, whose decision is final.

Any written material will be collated and circulated by the clerk to all parties so that it is received at least **5 school days** before the date of the meeting. The Panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

Attendees at the meeting

The Clerk will invite the following parties as applicable:

- a panel of three local governors and/or trustees, one or more of whom is independent of the Trust
- the complainant
- the Headteacher
- investigating member of SLT (if appropriate)
- the Chair of Local Governing Body/Nominated Local Governor who dealt with the complaint at Stage 2
- relevant witnesses
- Area Schools Support Service representative (procedural advice)

The complainant may ask to be accompanied to the meeting by a supportive companion, interpreter or advocate. It is not advisable for this person to be a member of the school community, for reasons of confidentiality and to avoid conflict of interest. The complainant must advise the Clerk to the Complaint Review Panel of the name and role of this additional person prior to the hearing, and the Clerk will seek agreement from the chair of the Panel. If the additional person is attending as an advocate, they will be presenting the complainant's case and speaking on their behalf, and therefore the complainant will not be able to address the Panel directly. If the additional person is attending as a supportive companion they will not be able to address the Panel directly.

As this is not a legal process, neither party may bring legal representation with them except in exceptional circumstances, by prior agreement of the panel.

If the attendance of any pupils is required at the hearing, parental permission will be sought if the pupil is under the age of 18. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing. The Panel should respect the views of the child/young

person and give them equal consideration to those of adults. If the child/young person is the complainant, the Panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the Panel should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend. However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the Panel considers is not in the child/young person's best interests. the welfare of the child/young person is paramount.

Representatives from the media are not permitted to attend.

Conduct of the meeting

The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations. Financial compensation is not a possible outcome of the process.

The aim of the Complaint Review Panel meeting is to review how the school has managed the complaint, not to reinvestigate the complaint itself. This will include reviewing evidence and outcomes from Stages 1 and 2 and evaluating whether the school has followed its complaints policy and procedure.

The panel hearing will consider the complaint as was submitted at Stages 1 and 2. Any new issues will need to be dealt with by a separate complaint procedure.

The Panel will not only consider the handling of the complaint at the previous stages, but will also consider those aspects of the original complaint which the complainant believes have not been fully addressed.

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

The format of the meeting is that the complainant is given a set amount of time to make their case. The Panel and the school may then ask the complainant questions for clarification. The school then has the same amount of time to make their case. The Panel and complainant then have the opportunity to seek clarification from the school. Both parties then leave the meeting and the Panel will deliberate.

The Panel will consider the complaint and all the evidence presented and will come to their decisions on the balance of probabilities. The Panel can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part
- dismiss the complaint but recommend changes to the school's systems or procedures
- determine that all or part of the complaint is out of their scope to consider.

If the complaint is upheld in whole or in part, the Panel will:

- decide on the appropriate action to be taken to resolve the complaint

- where appropriate, recommend changes to the Local Governing Body regarding the school's systems or procedures to prevent similar issues in the future.

The Chair of the Panel will provide the complainant and the school with a full explanation of their decision and the reason(s) for it, in writing, and a copy of the minutes of the Panel hearing, within 10 school days.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they believe that their complaint has been handled unreasonably or unlawfully by the school.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school will take to resolve the complaint.

The Panel will ensure that those findings and recommendations are sent by post, electronic mail or otherwise given to the complainant and, where relevant, the person complained about, with a copy to the Headteacher. Findings and recommendations will also be made available for inspection by the Co-chairs of Trustees.

Retention

The complaint investigator/the Chair of the Complaint Review Panel will ensure that a copy of all relevant information (including outcome and actions taken by the school) relating to the complaint is kept at the school in a secure, confidential¹ file, separate from staff and pupil records. This information should be retained for six years from the date of the complaint, in line with guidance from the Information and Records Management Society (www.irms.org.uk) and in accordance with the principles of the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR). The complainant should be informed that this will be done.

Multiple complaints in exceptional cases

In exceptional circumstances, where multiple complaints are received from the same complainant over a three-month period, these may be dealt with together. This may mean that the first complaint could take longer to resolve.

This arrangement will usually be applied where an individual's multiple complaints have reached a level where management of the same impacts on the school and Trust Board/Local Governing Body's ability to function effectively. This may be in circumstances where individual Stage 2 investigations and Stage 3 panels have become difficult to 'resource' due to the repeated nature of complaints and/or time constraints.

Where it can be demonstrated by a complainant that their position would be substantially compromised by this arrangement, the school will review their decision to apply the arrangement and manage the complaints according to the outcome of that review.

¹ Please note that the Secretary of State or a body conducting an inspection under s109 of the Education and Skills Act 2008 may request access to complaints documentation.

Complaints about local governors

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Local Governing Body or
- the majority of the Local Governing Body

Stage 3 will be heard by a committee of trustees and an independent panel member.

Complaints about the Trust, Chief Executive Officer (CEO) or Trustees

Complaints about operational aspects of Hinchley Wood Learning Partnership as a whole and/or non-school based HWLP staff, including Executive Leaders, will be managed using a similar process as laid out in the procedures of this policy. Complaints of this type should be addressed to the CEO of HWLP, unless the complaint is about the CEO in which case complaints should be addressed to the Chair of the Trust Board via the Clerk to Trustees (contact details provided on page ??).

Where a complaint concerns the CEO or a Trustee, the complainant should contact the Clerk to Trustees. Informal resolution will be sought but, where this fails, the complaints procedure at Stage 2 will take immediate effect with the Chair of Trustees or another nominated Trustee undertaking the investigation. Where a complaint concerns the Chair of Trustees, the investigation will be carried out by the Vice-Chair of Trustees or another nominated Trustee. In exceptional circumstances, the Trustees may appoint an independent investigator to look into the concerns.

If the complaint is:

- jointly about the Chair and Vice-Chair or
- the entire Trust Board or
- the majority of the Trust Board

the complaint will be heard by a completely independent panel.

Next Steps

If the complainant believes the school/trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed Stage 4.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the school/trust. They will consider whether the school/trust has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).

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

Academy Complaints and Customer Insight Unit
Education and Skills Funding Agency
Cheylesmore House
5 Quinton Road
Coventry
CV1 2WT

Roles and Responsibilities

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

Investigator (at Stages 1 or 2)

The investigator's role is to provide a comprehensive, open, transparent and fair consideration of the complaint through:

- sensitive and thorough discussion with the complainant to establish their perspective and desired outcomes
- interviewing staff and other people relevant to the complaint
- consideration of records and other relevant information
- analysing information
- liaising with the complainant as appropriate to clarify what the complainant feels would put things right.

Clerk to the Stage 3 Complaint Review Panel

The Clerk is the contact point for the complainant and the Panel and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the Panel's decision.

Panel Chair

The Panel's chair, who is nominated in advance of the complaint meeting, will ensure that the meeting is conducted in line with the complaints procedure and best practice principles.

Panel Members

Panel members should be aware that:

- The meeting must be independent and impartial, and should be seen to be so
- No local governor / trustee may sit on the Panel if they have had a prior involvement in the complaint or in the circumstances surrounding it
- They should read all documentation and understand the aims and purpose of the meeting.

Area Schools Support Service

The role of the Area Schools Support Service is to provide impartial advice and guidance to school staff, governors and complainants at all stages of the complaints process.

Procedure for managing serial and unreasonable complaints

HWLP 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 school. However, we do not expect our staff to tolerate unacceptable behaviour and will take option to protect staff from that behaviour, including that which is abusive, offensive or threatening.

HWLP defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- 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 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 they expect to be taken into account and commented on
- 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 school'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 and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- Uses abusive, offensive or discriminatory language or violence
- Publishes unacceptable information on social media or other public forums.

Complainants should try to limit communication with the school that relates to their complaint, while the 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 Headteacher or Chair of Local Governing Body will discuss any concerns with the complainant informally before determining that they may be acting "unreasonably".

If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and ask 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 be reviewed after six months.

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 all HWLP schools in line with Local Authority guidance.

Procedure for managing complaint campaigns

In the rare event that the school receives a large volume of complaints all based on the same subject, from complainants unconnected with the school, we will either send a template response to all complainants or publish a single response on the school's website.

Area Schools Support Service

The role of the Area Schools Support Service is to provide impartial advice and guidance to school staff, governors and complainants at all stages of the complaints process.

<p>North East Surrey (Elmbridge, Epsom & Ewell, Spelthorne) Caroline Marden Area Schools Officer Telephone: 01372 833412 Email: caroline.marden@surreycc.gov.uk Mariette Masters Area Schools Assistant Telephone: 01372 833412 Email: mariette.masters@surreycc.gov.uk Esher Civic Centre, High Street, Esher, Surrey KT10 9SD</p>	<p>North West Surrey (Runnymede, Surrey Heath, Woking) Kate Prince Area Schools Officer Telephone: 01483 518104 Email: kate.prince@surreycc.gov.uk Natalie Cull Area Schools Assistant Telephone: 01483 518106 Email: natalie.cull@surreycc.gov.uk Quadrant Court, Guildford Rd, Woking, Surrey GU22 7QQ</p>
<p>South East Surrey (Mole Valley, Reigate & Banstead, Tandridge) Ann Panton Area Schools Officer Telephone: 01737 737960 Email: ann.panton@surreycc.gov.uk Sally Pickford Area Schools Assistant Telephone: 01737 737961 Email: sally.pickford@surreycc.gov.uk Consort House, 5-7 Queensway, Redhill, Surrey RH1 1YB</p>	<p>South West Surrey (Guildford and Waverley) Jane van den Broeke Area Schools Officer Telephone: 01483 517835 Email: jane.vandenbroeke@surreycc.gov.uk Yvonne Girdler Area Schools Assistant Telephone: 01483 517835 Email: yvonne.girdler@surreycc.gov.uk Quadrant Court, Guildford Rd, Woking, Surrey GU22 7QQ</p>

Approved by HWS LGB: 18 November 2021
Approval by HWPS LGB: Pending
Next Review: November 2023 or as required

Appendix A – School contact details

Hinchley Wood School

Claygate Lane
Esher
Surrey
KT10 0AQ
Telephone: 020 8398 7161
Co-Headteachers – Ms M Cachia and Miss L
Macdonald
info@hinchleywoodschoo.co.uk

Chair of Local Governing Body:
Mr J Ross
Contact via Clerk to Local Governors:
Mrs S Secker
Telephone: 020 8398 7161 ext 118
Email: ssecker@hinchleywoodschoo.co.uk

Hinchley Wood Primary School

Claygate Lane
Esher
Surrey
KT10 0AQ
Telephone: 020 8398 1310
Headteacher – Mrs A Hogan
Email: info@hinchley-wood-primary.surrey.sch.uk

Chair of Local Governing Body:
Mrs A Cruthers
Contact via Clerk to Local Governors:
Mrs S Secker
Telephone: 020 8398 7161 ext 118
Email: ssecker@hinchleywoodschoo.co.uk

Hinchley Wood Learning Partnership

Hinchley Wood School
Claygate Lane
Esher
Surrey
KT10 0AQ
Telephone: 020 8398 7161
Chief Executive Officer – Mr B Bartlett
Email: bbartlett@hinchleywoodschoo.co.uk

Co-Chairs of Trustees – Miss C Atkinson &
Mr A Sellers
Contact via Clerk to Trustees:
Mrs S Secker
Telephone: 020 8398 7161 ext 118
Email: ssecker@hinchleywoodschoo.co.uk

Appendix B – Stage 1/2/3 Complaint form

Please complete and return to the Headteacher (Stage 1) or Clerk (Stage 2/3) who will acknowledge receipt and explain what action will be taken.

Your name:		
Pupil's name (if relevant):		
Your relationship to the pupil (if relevant):		
Contact details:		
Please give details of your complaint (adding extra pages if necessary):		
No.	Details of issue	What action has been taken to resolve the matter and by whom?
1		
2		
3		
etc		

Reasons why this was not a satisfactory resolution for you?

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

What outcome are seeking from the Stage 1/2/3 Complaints Procedure?

DRAFT

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Action taken:

Date: