



Complaints Policy and Procedure

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Who can make a complaint?

This complaints procedure is not limited to parents or carers of children who are registered at the school. Any person, including members of the public, may make a complaint to HIVE Family of 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 complaint procedure. HIVE Family of Schools takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

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

Introduction

The aim of this policy is to resolve complaints or concerns about HIVE Family of Schools (the “Trust”, or any school within the Trust or any individual connected with the Trust) in a fair, thorough and transparent way. The Trust takes complaints seriously and views them as a chance to learn and improve for the future.

Anyone can make a complaint, but a different process applies depending on whether the person raising the complaint is a parent/carer of a current pupil at a school within the Trust.

Please note that complaints about matters where an alternative complaints/appeal process exists will not be generally dealt with under this policy.

Requests for reasonable adjustments to the process set out below will be considered to ensure that complainants can access and complete the process.

The complaint procedures set out in this policy do not apply to and are not intended for use by pupils.

Complaints that will not be considered under this policy

Usually, complaints relating to the matters set out in the table below will not be considered under this policy as they have their own appeal or complaint processes. Where necessary, the Trust will exercise its discretion.

Complaints may be raised under this policy about staff conduct, however, any action taken under the Trust's internal disciplinary procedures is confidential, and Complainants will not be provided with information about this.

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

Exceptions	Who to contact
Admissions to schools	Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.
Statutory Assessments of Special Educational Needs	Concerns about statutory assessments of special educational needs should be raised directly with local authorities.
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policies and in accordance with relevant statutory guidance. If you believe that a child is at risk of significant harm, you can contact Children's Social Care on 0345 603 7627.
Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: Gov.Hub guidance *Complaints about the application of the behaviour policy can be made through the school's complaints procedure.

Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. We deem a whistle-blower to be someone with privileged knowledge. These may be: • Members of staff (e.g., teachers, principal, administration support employees) • Volunteers (e.g., trustees, governors) The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers who do not want to raise matters directly with their employer. Employees should refer to our Whistleblowing Policy.
Staff Grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff Conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed
Complaints about services provided by another supplier who may use the school premises or facilities	Complainants should follow the external provider's own complaints procedure for those hiring the academy facilities.

Part A – Complaint procedure for parents/carers of current pupils

Stage 1 – Informal resolution

Any matter of concern or complaint should be raised and attempted to be resolved on an informal basis. Generally, it is expected that, where the matter relates to a pupil, it will have been raised with the pupil's teacher before a request is made to deal with it under the formal stages of this policy.

The concern or complaint should be raised with the School or Trust within **1 month** of the incident or, where a series of associated incidents have occurred, within **1 month** of the last of these incidents. Complaints made outside of this time frame may not be considered unless exceptional circumstances apply.

The school will seek to resolve matters at the informal stage within **15** school days of the issue being raised by the parent.

Where the matter is not resolved at the informal stage, it may be elevated to the formal stage as set out below.

Stage 2 – Formal resolution: investigation by a nominated individual

Stage 2 complaints must be set out in writing, using the Stage 2 Complaints Form (Page 14), within **10** school days of the Stage 1 response and addressed to the Head Teacher (unless the complaint relates to the Head Teacher, in which case please refer to the section headed '**Complaints against specific role-holders**' below). The complaint should set out briefly the grounds of the complaint, stating what it is that the parent considers should have been done or where the School or Trust has not met reasonable expectations and confirming the outcome sought.

An investigation will be carried out by a nominated individual identified by the Head Teacher/ Chair of the Local Governing Body as appropriate, who will acknowledge the complaint within **5** school days and may offer the parent a meeting. The investigator will speak to others involved. Whenever reasonably possible, any meeting with the parent will take place within **15** school days of the written complaint being received.

The investigator will put her/his findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within **15** school days of any meeting with the parent; if no meeting is arranged, it will be within **25** school days of the written complaint being received.

If the complaint is about the Head Teacher, or a member of the Local Governing Body (including the Chair or Vice Chair), a suitably skilled Governor from the school, a Governor from another school in the Trust or Head Teacher from another school in the Trust will be appointed to complete all the actions at Stage 2.

Where the complainant remains dissatisfied, he or she may request that the complaint be escalated to Stage 3.

Stage 3 – Formal resolution: Complaints Panel Meeting

Stage 3 complaints must be set out in writing using the form on Page 16, stating where the parent remains dissatisfied and the outcome sought, and logged with Justine Higgins (The Governance Professional) at jhiggins@hivefamily.co.uk within **10** school days of the Stage 2 response.

The HIVE Family of Schools will acknowledge the Stage 3 complaint within **5** school days and will convene a Complaints Panel. The Complaints Panel must comprise of at least three people, which will include one person who is independent of the management and running of the school.

The Complaints Panel may include, but is not limited to, one or more persons from the following categories:

- a member of the Local Governing Body of the school where the complaint emanated from;
- a member of a Local Governing Body from another school within the Trust;
- a member of the Board of Trustees from the Trust;
- a member of a Local Governing Body or Trustee of another Trust; and/or
- a person not connected with the schools or the Trust.

None of the members of the Complaints Panel will have been directly involved in the matters detailed in the complaint. The independent panel member may be a member of a Local Governing Body from another School within the Trust as long as they have no conflict and no prior knowledge of the complaint. It is not, however, the panel's role to conduct a new investigation. It is to allow new evidence to be introduced that was not considered at Stage 2. Any new complaints at this stage must be dealt with from Stage 1 of the procedure.

The panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 1 of the procedure.

The Governance Professional will convene a meeting of the Complaints Panel. The meeting will be held on HIVE premises as quickly as practicable, given the need to find a date that is reasonably convenient for the parent, the school and the members of the Complaints Panel. Whenever possible, the meeting will be held within **15** school days of the end of the Academy's response time. The meeting date, time and location will be confirmed to all parties at least **10** school days in advance.

The meeting is not a court case; it will be held in private and will be as informal as circumstances allow. For this reason, electronic recordings of meetings or conversations are not permitted unless a parent's disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before the recording of the meeting takes place. Consent will be recorded in any minutes taken. The parent will have the opportunity to put forward her/his reasons for dissatisfaction and to elaborate on them, but may not introduce reasons that were not previously put in writing. The Complaints Panel will not

normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded. The parent and the School/Trust will have the opportunity to put forward their respective version and views of events, of each side, and the Complaints Panel members will be able to ask questions. The parent and school will have the opportunity to make final comments to the Complaints Panel.

The Complaints Panel may make findings and recommendations, and a copy of those findings and recommendations will be:

- sent by electronic mail or otherwise provided in writing to the parent and, where relevant, the school or person complained about; and
- available for inspection on the school premises by the Trust, the Head Teacher and the CEO

The Complaints Panel will formulate its response as quickly as reasonably possible, aiming to do so within **10** school days, and the Governance Professional will notify all concerned.

At any meeting, the parent and the school will be entitled to bring a companion along to provide support. Legal representation will only be permitted in exceptional circumstances.

The panel may also ask the person who investigated the complaint at Stage 1 to attend, along with any witnesses that are deemed appropriate.

If the parent fails to attend the Complaints Panel Meeting on the day without compelling reasons, the Complaints Panel will still proceed in their absence, and the process will continue to its conclusion. Any further attempt to re-open the matter will be considered as falling under the “Serial or persistent Complainants” section as set out below.

Once the complaints process is concluded (or a complaint has been terminated due to undue delay or failure to lodge a request for a Stage 3 Complaints Panel Meeting within the time stated in the policy), the matter is closed. If the Complainant is still not satisfied, then they may contact the Department for Education (DfE).

The Complainant may write to the DfE at:

Ministerial and Public Communication Division
Department for Education 2nd Floor,
Piccadilly Gate
Store Street
Manchester
M1 2WD

The complainant can also refer their complaint to the DfE online at: [Home - Customer Help Portal](#)

Complaints against specific role holders

Complaints against the Headteacher

Any complaint relating to the Head Teacher of the School must be raised in the first instance with the CEO, who will, if an informal resolution cannot be reached, designate a member of the Local Governing Body to investigate the complaint as per Stage 2.

Complaints against the Local Governing Body

Where a complaint is brought against a member of the Local Governing Body, it should be raised with the Chair of the Local Governing Body, who will investigate the complaint (or appoint another member of the Local Governing Body to do so) in the same way as in the first stage of the formal process at Stage 2.

If the complaint is against the Chair of the Local Governing Body, then the Vice Chair of the Local Governing Body will investigate the complaint (or appoint another member of the Local Governing Body to do so) in the same way as in the first stage of the formal process at Stage 2.

In exceptional circumstances, the Chair of Trustees may, at his or her absolute discretion, determine that a complaint against a member of the Local Governing Body should be dealt with at Trust Board level and, if so determined, the Chair of Trustees will oversee Stage 2.

Complaints against individual Trustees/ the Board of Trustees

If the complaint is against a Trustee, then it should be raised with the Chair of Trustees by writing to the Governance Professional (Justine Higgins, jhiggins@hivefamily.co.uk). In the case of a complaint against either the Chair or the Board of Trustees as a whole, it should be put in writing to the Governance Professional, who will refer it to the Members.

In such cases, the Chair of Trustees/the Members will investigate the complaint or appoint an appropriate person to do so in the same way as in the first stage of the formal process at Stage 2.

Complaints against the CEO or other Trust central team staff

If you have a complaint about a member of the Trust central team staff, please report it to the CEO. If the complaint is about the CEO, please contact the Chair of Trustees. The CEO will investigate the complaint or appoint another member of the Board of Trustees to do so, following the same procedure as Stage 2 of the formal process.

Complaints raised by those who are not parents/carers of current pupils.

Complaints made by those who are not parents of current pupils, which include complaints made by parents of former pupils after they have left the school, will be dealt with as follows:

Complainants should first attempt to address their complaint to the relevant School or the Trust (as appropriate) informally by raising the matter with a relevant member of the School or Trust staff, within 1 month of the incident or, where a series of associated incidents have occurred, within 1 month of the last of these incidents. The school/Trust (depending on the nature of the complaint) will seek to resolve the matter informally within **15** school days.

If it is not possible to resolve the matter informally, the complaint may be submitted in writing, using the Stage 2 Complaint Form, to the CEO, or, where the complaint relates to the CEO, to the Chair of Trustees.

The complaint will be acknowledged within **5** school days, and a final written response will be issued within **15** school days.

Unreasonable Behaviour in Making a Complaint

HIVE family of schools are committed to dealing with all complaints fairly and impartially, and providing a high-quality service to those who complain. The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant. However, there are occasions when complainants behave in an unreasonable manner when raising and/or pursuing concerns. In these circumstances, the school may take action in accordance with this policy.

We will not normally limit the contact complainants have with our school. However, our priority will always be the well-being of students, staff and everyone else who has legitimate interest in the work of the school, including governors and parents. Therefore, we do not expect our staff to tolerate unreasonable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

HIVE family of schools 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. For example, if the complainant:

- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- 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 policy has been fully and properly implemented and completed, including referral to the Department for Education
- 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

For the purpose of this policy, harassment is the pursuit of the behaviours listed above in such a way that they:

- appear to be targeted over a significant period of time on one or more members of the school staff and/or
- cause ongoing distress to individual member(s) of school staff and/or
- can be perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health.

Managing Unreasonable Behaviour

Whenever possible, the Head Teacher or Chair of Governors will discuss any concerns with the complainant informally. Should the behaviour continue, the Head Teacher or Chair of Governors will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. If the behaviour is not modified, the school will take some or all of the following actions as necessary, having regard to the nature of the complainant's behaviour and the effect of this on the school community:

- inform the complainant in writing that his/her behaviour is now considered by the school to be unreasonable/unacceptable and, therefore, to fall under the terms of this policy
- inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties
- inform the complainant that, except in emergencies, all routine communication with the complainant to the school should be by letter only
- we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.
- (in the case of physical or verbal aggression) consider warning the complainant about being banned from the school site; or proceed straight to a temporary ban
- consider taking advice on pursuing a case under Anti-Harassment legislation
- reporting to the police any violent and threatening behaviour or behaviour which harasses any member of staff or shows discrimination to any member of staff.

If a complainant's unreasonable behaviour ceases, but is later resumed, the school may resume the process identified above at an appropriate level. In these circumstances, advice may be sought from the Local Authority and/or other relevant organisations.

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 HIVE Family of Schools in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

Complaints relating to the fulfilment of the Early Years Foundation Stage (EYFS) requirements

In order to comply with the statutory framework, written concerns or complaints relating to the fulfilment of the EYFS requirements will be dealt with in accordance with the following process:

The written concern/complaint will be acknowledged within **5** school days.

- The Headteacher will investigate the concern or complaint, which may include meeting with the Complainant and the Head of Early Years. A written response notifying the Complainant of the outcome of the investigation will be sent within **28** school days of the complaint being received.
- Where the Complainant remains dissatisfied, the Governance Professional will ensure that a formal Complaints Panel will be convened in accordance with Stage 3 of this policy.

A record of the written complaints and their outcome will be maintained and made available to Ofsted on request.

Parents are further advised that, where they have concerns regarding the school meeting EYFS requirements, they may contact Ofsted on 0300 123 4666.

Complaints received outside of term time

The School/Trust (as appropriate) will consider complaints made outside of term time to have been received on the first school day after the holiday period.

Withdrawal of a complaint

If a complainant wants to withdraw their complaint, they will be asked to confirm the withdrawal in writing.

Record keeping and confidentiality

A written record will be kept of all complaints that reach the formal stage, whether they are resolved following Stage 2 or proceed to a Panel hearing (Stage 3), and any action taken by the school as a result (regardless of whether they are upheld). Complaint records will be maintained securely and in line with the GDPR framework. Correspondence, statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection requests access to them.

The Complainant should also keep all correspondence, statements and records relating to their complaint confidential, and should not disclose (by way of electronic communication, social media or otherwise) any information or documents relating to their complaint.

Anonymous Complaints

Where an anonymous complaint is received, the School/Trust will use its reasonable endeavours to consider the complaint as best as it reasonably can. However, the

School/Trust will not be required to consider the complaint under any specific process and will handle anonymous complaints on a case-by-case basis.

Complaint Campaigns

Where the School/Trust receives a number of complaints all based on the same subject, which, in its reasonable opinion, may be deemed a 'complaint campaign', it will deal with the complaints in the following way: individual responses will not be sent to Complainants in such cases. Instead, either a template response will be sent to all Complainants, or a single response will be published on the School/Trust's website at the discretion of the Headteacher/Chair of Trustees.

Where the complaint campaign involves Complainants who are parents, they will be entitled to escalate the complaint to a Panel hearing if they are dissatisfied with the School/Trust's response. The School/Trust will consider how best to manage Panel hearings in such circumstances.

Serial or Persistent Complainants

If at any level a Complainant or connected party attempts to reopen an issue or a closely related issue that has already been dealt with under this Complaints Policy, the Chair of Trustees may write to the Complainant to inform him/her that the procedure has been exhausted, the matter is closed and that the Trust will therefore not respond to any further correspondence on this issue or a closely related issue.

Vexatious Complaints

Complaints with the following characteristics may be deemed to be vexatious:

- obsessive, persistent, harassing, prolific, repetitious;
- insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason;
- insistence upon pursuing meritorious complaints in an unreasonable manner;
- complaints which are designed to cause disruption or annoyance;
- demands for redress that lack any serious purpose or value.

In such cases, the Chair of Trustees may write to the Complainant to inform him/her that the complaint is deemed to be vexatious and that the Trust will not respond to any further correspondence on this issue or a closely related issue.

Legal Proceedings

If a Complainant threatens or commences legal action against the School/Trust (including the issuing of a letter before claim) in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

Stage 2 Complaint Form

Please complete and return to either the Head Teacher/Governance Professional/
designated Governor, who will acknowledge receipt and explain what action will be taken.

Your Name (If relevant):
Pupil's Name (If relevant):
Your relationship to the pupil (If relevant):
Address: Postcode: Telephone Number(s): Email Address:
Please give details of your complaint, including whether you have spoken to anybody at the school about it.

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

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

Signature:

Date:

Office Use

Date acknowledgement sent:

By who:

Complaint referred to:

Action Taken:

Date:

Stage 3 Complaint Form

You must use this form when submitting a Stage 3 complaint. **When using this form, please clearly state why you are not satisfied with the outcome of the complaint at Stage 2.**

Please note, we will only be able to accept a Stage 3 complaint using this form.

Once completed, please email Justine Higgins, Governance Professional:

jhiggins@hivefamily.co.uk

If you require assistance completing this form, please contact Justine Higgins.

Your Name:
Pupil's Name:
Your relationship to the pupil:
Address: Postcode: Telephone Number(s): Email Address:
Name of the person who investigated your complaint at Stage 2:
Please give details of the reasons why you are not satisfied with the Stage 2 complaint: • • • •

<u>Office Use</u>
Date acknowledgement sent:
By who:
Complaint referred to:
Action Taken:
Date:

Complaints Resolution Flowchart

