



Complaints Policy & Procedure

Table of Contents

1. Introduction.....	2
2. Preliminary Informal Stage.....	2
3. Stage 1 – Formal Complaint Letter to the Head of School	3
4. Stage 2 – Formal Complaint Letter to the Academy Committee.....	4
5. Guidance on Stage 3 – Governors’ Complaints Panel	5
6. Roles and Responsibilities.....	8
7. Exceptions to the Policy.....	9
8. Stage 4 – Write to the CEO HISP.....	10
9. Complaints against the Trust.....	10
10. Further advice.....	14
11. Confidentiality	14
Appendix 1: Policy for managing serial and unreasonable complaints.....	15
Appendix 2: Process Flow.....	17

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HISP Multi Academy Trust

Complaints Policy & Procedure

1. Introduction

- The Education Act 2002 requires that the Governing Body of a school shall establish procedures for dealing with all complaints relating to the school and to publicise the procedures so established.
- The policy reflects the Academies' Complaints Policy as set out in Part 7 of the Education (Independent School Standards) Regulations in March 2014. Best Practice Advice for School Complaints Procedures 2019.
- This policy will be reviewed annually by the Trust Board.

1.1 Aims of the Policy

Our ethos is to create a supportive environment in which young people receive the best possible education. All staff are committed to this aim, with any issues raised by parents or carers to be responded to appropriately, allaying concerns and achieving a timely resolution.

1.2 Summary of the Policy

The HISP complaints procedure policy includes four stages:

- Preliminary Stage – informal (speak with the relevant member of staff)
- Stage 1 - formal complaint letter - Head of School
- Stage 2 - formal complaint letter - member of the Academy Committee¹ (AC). Where a school does not have an AC, this will be dealt with by an AC Member from another school or member of the Executive Team from the MAT.
- Stage 3 - formal complaint letter - Governors' Complaints Panel meeting
- Stage 4 - write to Trust Chief Executive Officer (CEO)

The Complaints Policy and Procedure only applies to students who are currently on roll at the school. Once a student has left the school roll, any complaints will not be considered.

2. Preliminary Informal Stage

Parents or carers with a concern should contact the appropriate member of staff by telephone, email or appointment in school, to discuss the matter. Any appointment will be arranged at the earliest opportunity within the constraints of a busy school environment. As part of the discussion, the parties involved should be encouraged to offer their view of what would be a realistic resolution to the problem.

If parents or carers are dissatisfied with the result of the initial discussion, they should ask for an appointment to meet with a senior colleague to help resolve the situation.

¹ Academy Committee is the term used within the Trust for a Local Governing Body

HISP Multi Academy Trust

Complaints Policy & Procedure

3. Stage 1 – Formal Complaint Letter to the Head of School

An issue that has not been resolved through the informal stage can become an official complaint.

- Parents or carers wishing to move to Stage 1 must write a formal letter of complaint to the Head of School.
- The letter will need to set out clearly the issues which have previously been discussed and why the parent or carer considers the issue to be unresolved.
- The Head of School will acknowledge the written complaint within 5 school days and investigate the concerns raised in the letter.
- As part of the investigation, the Head of School will request a meeting with parents to discuss the complaint.
- Following investigation and consideration of the complaint, the Head of School will respond to the complainant in writing and confirm the outcome in writing within 10 days of receipt of the letter.

The decision that the Head of School has made as a result of the Stage 1 complaint does not become a complaint about the Head of School. If the complainant feels the complaint has not been resolved, they should proceed to Stage 2, a formal complaint to the Academy Committee. Where a school does not have an AC, this will be dealt with by an AC Member from another school or member of the Executive Team from the MAT.

3.1 The Procedure for Investigating Complaints

On receipt of a complaint, the Head of School will appoint an appropriate member of staff to investigate the complaint. The appointed member of staff will:

- Establish what has happened so far, and who has been involved;
- Clarify the nature of the complaint and what remains unresolved;
- Either meet with the complainant or contact them (if unsure or further information is necessary);
- Clarify what the complainant feels would resolve the situation;
- Interview those involved in the matter and/or those of whom the complaint has been made, 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.

3.2 Resolving complaints

At each stage in the procedure, the school is mindful of ways in which a complaint can be resolved. This may be:

- acknowledging that the complaint is valid in whole or in part;
- offering an apology or explanation;
- admitting that the situation could have been handled differently or better;
- offering an assurance that the event complained of will not recur;
- explaining the steps that have been taken to ensure that it will not happen again;
- undertaking to review school policies in light of the complaint.

HISP Multi Academy Trust

Complaints Policy & Procedure

- offering clarity to support a response to dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to HISP's systems or procedures to ensure that problems of a similar nature do not reoccur.

4. Stage 2 – Formal Complaint Letter to the Academy Committee*

Parents or carers who feel that an issue has not been resolved through the formal Stage 1 and wish to move to Stage 2, must write a formal letter of complaint, via the clerk to the Academy Committee (AC)*. A nominated member of the AC* will be allocated to consider the complaint. If this complaint is taken further, the person investigating at this stage will not be involved at stage 3.

- The letter will need to set out clearly the issues which have previously been discussed and why the parent or carer considers the issue to be unresolved by the actions or discussions that have taken place at Stage 1.
- The letter should be marked for the attention of the Clerk to Governors "Private and Confidential".
- The letter will be acknowledged in writing within 5 school days of receipt. The complaint will be investigated; this may entail speaking with the Head of School and/or a formal meeting with the complainant to discuss the issue.
- Following investigation and consideration of the complaint, a member of the AC* through the Clerk will respond to the complainant either in a formal meeting or in writing within 10 days of receipt of the letter stating the outcome of the investigation.
- The allocated governor will not be involved in the process if it moves to stage 3.
- If a complaint cannot be resolved at stage 2, a request can be made to take it to stage 3.

* Where a school does not have an AC, this will be dealt with by an AC Member from another school or member of the Executive Team from the MAT.

4.1 Concerns or complaints specifically about the Head of school

If the concern or complaint is specifically about the Head of School and cannot be resolved at the informal stage, the above process should be followed.

4.2 Concerns or Complaints specifically about Governors

Complaints against the Chair of the Academy Committee (AC)

If the school does not have an AC, this section is not relevant.

In the event of a formal complaint being made against the Chair of the AC, which is unable to be resolved at the informal stage, it will be necessary for the complainant to formally complain as outlined below.

- A letter should be marked for the attention of the Clerk to the Trust Board "Private and Confidential".

HISP Multi Academy Trust

Complaints Policy & Procedure

- A member of the Trust Board should acknowledge the complainant's letter in writing within 5 school days of receipt.
- The Chair of AC, who is the subject of the complaint, would normally be advised of the situation immediately. The complaint will be considered to be a Stage 3 formal complaint and therefore will be considered by a Governors' Complaints Panel with the option of including a Trust representative. Complainants will be informed of the limited powers of such a committee in these circumstances. If the complaint is upheld or upheld in part, the committee may make recommendations to the AC. If necessary, the Complaints Panel may be composed of Governors from another school within the Trust.

Complaints against a Governor

A formal complaint against a Governor, other than the Chair of the Academy Committee, should be referred to the Clerk, and a nominated member of the AC will investigate and seek to resolve it.

- A letter should be marked for the attention of the Clerk to the AC "Private and Confidential".
- The Clerk should acknowledge the complainant's letter in writing within 5 school days of receipt.
- The Governor who is the subject of the complaint would normally be advised of the situation immediately.
- If it cannot be resolved by the AC member, the complaint will be considered to be a Stage 3 formal complaint and therefore will be considered by a Governors' Complaints Panel. Complainants will be informed of the limited powers of such a committee in these circumstances.
- If the complaint is upheld or upheld in part, the AC member may make recommendations to the Academy Committee.

Governors co-opted or elected on to the Academy Committee can be suspended for a period of up to six months.

5. Guidance on Stage 3 – Governors' Complaints Panel

Where a school does not have an AC, this panel will be drawn from other schools in the trust and/or members of the Senior Executive Team of the MAT (other than the CEO) who have not previously been involved with the complaint.

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3, by requesting that a Governors' Complaints Panel meet to hear the complaint. The letter will need to set out the complaint that has previously been formally discussed at stage 2 and show why the matter is not resolved. Additionally, it should detail what actions would resolve the complaint.

The panel will consist of 3 people who were not directly involved in the matters detailed in the complaint, including 1 panel member who is independent of the management and running of the school.

Any person involved at an earlier stage will not be allowed to sit on the panel.

HISP Multi Academy Trust

Complaints Policy & Procedure

A request to escalate to Stage 3 must be made to the Clerk, via the school office (marked private and confidential) or email - email address can be found on the school website, within 10 school days of receipt of the Stage 2 response.

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.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 school days. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

5.1 The Remit of the Complaints Appeal Panel

The panel of Governors can:

- Dismiss the complaint in whole or in part;
- Uphold the complaint in whole or in part;
- Decide on the appropriate action to be taken to resolve the complaint;
- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points, which any Governor sitting on a complaints panel needs to remember:

1. It is important that the appeal hearing is independent and impartial and that it is seen to be so.
2. No Governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
3. In deciding the make-up of the panel, Governors need to try and ensure that it is a cross section of the categories of Governor and sensitive to the issues of race, gender and religious affiliation.
4. The panel will include one member who is independent of the running and management of the school.
5. The aim of the hearing, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations, which will satisfy the complainant that his or her complaint has been taken seriously.
6. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is information and not adversarial.

HISP Multi Academy Trust

Complaints Policy & Procedure

7. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
8. The Governors sitting on the panel need to be aware of the complaints procedure.

Before the meeting of the panel

At least 10 school days before the meeting, the Clerk will confirm and notify the complainant and Head of School of the date, time and venue of the meeting, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible. The complainant and Head of School can request to bring someone with them if they wish.

The Clerk will provide the Head of School with a copy of the complainant's letter.

The Clerk will request that:

- any further written material the complainant wishes to submit for the panel's consideration is received at least 5 school days before the meeting.
- the Head of school provides a report outlining the details of the complaint in addition to any specific responses they wish to make to the formal complaint letter.
- the governor responsible at stage 2, provides a report on their input to the process.

At the meeting

- A friend/colleague can be brought to the meeting for support (not a legal representative), if this is the case please inform the clerk 2 days before the meeting.
- The complainant makes their case, and calls any witnesses. The panel and head of school can then ask questions about the complaint.
- The school does the same, and is also questioned by the panel and complainant.
- There is an opportunity for both parties to sum up, and for further questions, if necessary.
- Both parties are then asked to withdraw and the panel deliberates in private.

After the meeting

- The Governors' Complaints Panel will write to all concerned via the Clerk within 10 school days to explain their decision and suggest a resolution to the problem, if appropriate. Minutes of the meeting will be included with the letter. The decision of the Governors' Complaints Panel is final.
- Any correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 162a of the 2002 Act requests access to them.

HISP Multi Academy Trust

Complaints Policy & Procedure

6. Roles and Responsibilities

6.1 The Role of the Clerk

The clerk would be the contact point for the complainant and be required to:

- Set the date, time and venue of the hearing, ensuring that the arrangements are convenient to all parties, that nobody on the panel knows the complainant and that the venue and proceedings are accessible;
- Collate any written material and send it to the parties in advance of the hearing;
- Meet and welcome the parties as they arrive at the hearing;
- Document or record the proceedings;
- Notify all parties of the panel's decision.

6.2 The Role of the Chair of the Academy Committee or the Nominated Governor

- Check that the correct procedure has been followed.

6.3 The Role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that:

- The remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- The issues are addressed;
- Key findings of fact are made;
- Parents and others who may not be used to speaking at such a hearing are put at ease;
- The hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- The panel is open minded and acting independently;
- No member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- Each side is given the opportunity to state their case and ask questions;
- Written material is seen by all parties. If a new issue arises, it would be useful to give all parties the opportunity to consider and comment on it.

6.4 Checklist for a Panel Hearing

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint and be followed by their witnesses.
- The panel and Head of School may question both the complainant and the witnesses after each has spoken.

HISP Multi Academy Trust

Complaints Policy & Procedure

- The Head of School is then invited to explain the school's actions and be followed by the school's witnesses.
- The panel and complainant may question both the Head of School and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Head of School is then invited to sum up the school's actions and response to the complaint.
- The panel Chair explains that both parties will hear from the panel within 10 school days.
- Both parties leave together while the panel decides on the issues.

6.5 Notification of the Panel's Decision

The Chair of the Panel via the Clerk needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response within 10 school days. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

7. Exceptions to the Policy

There are certain complaints e.g. staff grievances or disciplinary procedures that fall outside the remit of this policy. Any complaints concerning the conduct of school staff will be handled in accordance with the school's internal disciplinary procedures. The details of such an investigation will remain confidential.

Admissions – See separate policy

Child protection – See separate policy

Exclusion – Further information about raising concerns about exclusion can be found at: www.gov.uk/school-disciplineexclusions/exclusions

Allegations of abuse against a member of the school staff must be reported to the Head of School immediately. Allegations of abuse against the Head of School must be reported to the Chair of AC* immediately. Immediate contact must be made by the Head of School or Chair of the Academy Committee* with the Child Protection team at the relevant Local Authority.

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. They should be contacted directly.

* Where a school does not have an AC, this will be dealt with by an AC Member from another school or a member of the Executive Team from the MAT.

HISP Multi Academy Trust

Complaints Policy & Procedure

8. Stage 4 – Write to the CEO HISP

For the majority of complaints about a school, the decision of the governing body is the final stage in the consideration of the complaint. However, if the complainant feels that the complaint has not been dealt with to their satisfaction, and all the above stages have been fulfilled, the complainant can write to the CEO at HISP MAT, Winchester Road, Chandlers Ford, Hampshire, SO53 2DW, setting out why the school has not addressed the complaint in full.

Please note, where relevant the involvement may well be limited to checking and confirming that the Governors' investigation of the complaint has been a thorough one. This stage is not to re-hear the complaint and no new evidence will be considered. The complaint, which should be in writing, will be acknowledged within five school days and the acknowledgement sent to the school for information. The CEO will review the case and will aim to write to the complainant within 10 school days from the date of receipt of the complainant's letter. A copy of the letter will be sent to the associated school.

If a complainant is unhappy with the response from the CEO, it is not appropriate for this to become a complaint against the Trust.

8.1 Additional information

Schools within the HISP MAT will often have an Executive Headteacher. For the purposes of the complaints procedure, the Executive Headteacher has no formal part in the process. The Executive Headteacher creates a link between the school and MAT but does not normally engage in this complaints procedure.

9. Complaints against the Trust

Where complaints do not relate to a specific school and are related to the Trust as a whole, complainants should follow the stages below in resolving a concern or complaint. Complaints must be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. Complaints made outside of term time will be considered to have been received on the first school day after the holiday period.

Anonymous complaints will not be investigated under the Complaints Policy and will be passed to the CEO to decide on appropriate action.

The Trust procedure has three stages:

Stage 1 – Informal resolution

Members of Trust staff can deal with many concerns to the satisfaction of the complainant without needing to deal with it formally. The Trust values informal meetings and communication as a way of improving any procedures and relations with all stakeholders. If the complainant feels that the concern / complaint has not been sufficiently resolved at this stage, then the next stage in the procedure can be initiated.

HISP Multi Academy Trust

Complaints Policy & Procedure

At this stage, it would be expected that a resolution would be reached as quickly and efficiently as possible. Stage 1 would be responded to by a Trust employee who is not the CEO.

Stage 2 – Formal complaint to the CEO

If the complainant wishes to make a formal complaint to the CEO, the complaint should be put in writing. The address is HISP MAT, Winchester Road, Chandlers Ford, Hampshire, SO53 2DW

The CEO will then:

- acknowledge the complaint within 5 school days of receiving the letter from the complainant
- investigate the complaint (collecting of information may be delegated by the CEO to another member of staff, however the CEO will make the decision on action taken)
- write to the complainant within 10 school days of receiving the initial letter of complaint detailing the outcome of the investigation.

Where a formal complaint is about the CEO or a Trustee, the complaint will be referred to the chair of the Trust Board.

Stage 3 – Formal complaint to the Chair of Trustees

The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the complainant remains dissatisfied and wishes to take the matter further. Any such request must be made within 10 school days of receiving notice of the outcome from Stage 2 of the process.

Principles of hearing:

- encourages resolution of problems by informal means wherever possible
- is impartial
- is non-adversarial
- ensures a full and fair investigation
- allows for swift handling within agreed time-limits for action and keeping people informed of progress
- respects confidentiality.

The purpose of the hearing is to consider the complaint that has been raised and decide if action needs to be taken moving forward and if so, what that action may be:

The complaints panel can;

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to HISP's systems or procedures to ensure that problems of a similar nature do not reoccur.

HISP Multi Academy Trust

Complaints Policy & Procedure

Procedure

The complainant must put the complaint in writing to the Chair of Trustees at HISP via the Clerk requesting a complaint panel hearing. The chair (via the clerk) will write to the complainant within five school days acknowledging the request for the complaint to be heard.

The letter will inform the complainant that the complaint panel hearing will take place within 15 working days of the date that the letter was received from the complainant and that arrangements to appoint the complaint panel and convene the complaint panel hearing will be made by the clerk who will be the complainant's main point of contact.

The Trust may appoint a representative to support the panel. The complainant, panel members and Trust representative will receive details of the hearing from the clerk at least five school days before the panel hearing including the date, time and location.

Appointment of the panel

The complaint panel will consist of at least three panel members, none of whom will have been involved previously in the complaint or have any knowledge of the complaint. One of the members will be independent of the management and running of the Trust (i.e. not a director of the Trust, an AC governor or an employee of the Trust).

Representation

The complainant and / or Trust representative may wish to ask witnesses to attend the panel hearing. In these cases, the names of the witnesses must be sent to the clerk at least five school days before the hearing. All witnesses will be allowed to sit at the hearing only when they are called to give their verbal account, or they are answering questions. They will be asked to leave the hearing for all other parts.

The complainant may be accompanied if they wish. The person accompanying will not, however, play any part in the panel hearing.

Documents

The clerk will provide a copy of the following to panel members, the Trust representative and complainant, at least 5 school days before the hearing:

- all correspondence
- statements (including witness statements)
- records relating to the complaint, including records made in previous stages of investigating the complaint
- a report from the CEO/Trust representative

The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

HISP Multi Academy Trust

Complaints Policy & Procedure

Hearing procedure

On the day of the hearing:

- The chair will welcome the complainant, introduce the panel members and Trust representative and explain the procedure.

Complainants case presentation

- complainant to present their case and call witnesses (if required)
- complainant to explain what outcome they would like to see reached
- Trust representative to ask complainant questions about the complaint
- panel members to ask questions to the complainant about the complaint and reasons why it has been made
- the chair of the panel to ask the complainant questions and the reasons why it has been made (if unclear).

Trust representative case presentation

- representative to present their case and call witnesses (if required)
- complainant to ask representative questions
- panel members to ask questions to the representative about the complaint
- the chair of the panel to ask the representative questions

Summation

- The complainant to be invited to summarise the complaint without interruption
- The Trust representative to be invited to summarise the complaint without interruption

Decision

The chair will explain to the panel that the decision of the panel will now be considered, and a written decision will be sent to the complainant and Trust representative within 15 school days. The chair will ask all parties to leave except the panel members.

The complaints panel will adjourn to consider the outcome and any action to be taken to resolve the complaint:

- dismiss the complaint in whole or in part
- uphold the complaint in whole or in part
- decide on the appropriate action to be taken to resolve the complaint
- recommend changes to the Trust's systems or procedures to ensure that problems of a similar nature do not recur.

HISP Multi Academy Trust Complaints Policy & Procedure

10. Further advice

If a complainant is not satisfied about the handling of their complaint, they can contact the ESFA <https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy> or Department for Education – www.education.gov.uk/contactus – Telephone 0370 000 2288.

11. Confidentiality

HISP will keep all correspondence, statements and records in relation to individual complaints confidential, except where the Secretary of State or a body authorised to conduct a school inspection requests access to them.

HISP Multi Academy Trust

Complaints Policy & Procedure

Appendix 1: Policy for managing serial and unreasonable complaints

HISP and schools within are committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We do 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.

HISP 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 and/or Trust, 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;
- refuses to accept that certain issues are not within the scope of the complaints policy;
- insists on the complaint being dealt with in ways that 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 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 Education and Skills Funding Agency (ESFA);
- 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 or by telephone while the complaint is being dealt with;
- uses threats to intimidate;
- uses abusive, offensive or discriminatory language or violence;
- knowingly provides falsified information;
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their 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 school leader, Chair of Governors or CEO will discuss any concerns with the complainant informally before applying an 'unreasonable' judgement.

HISP Multi Academy Trust

Complaints Policy & Procedure

If the behaviour continues, the school leader / CEO will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact HISP or individual academies causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan.

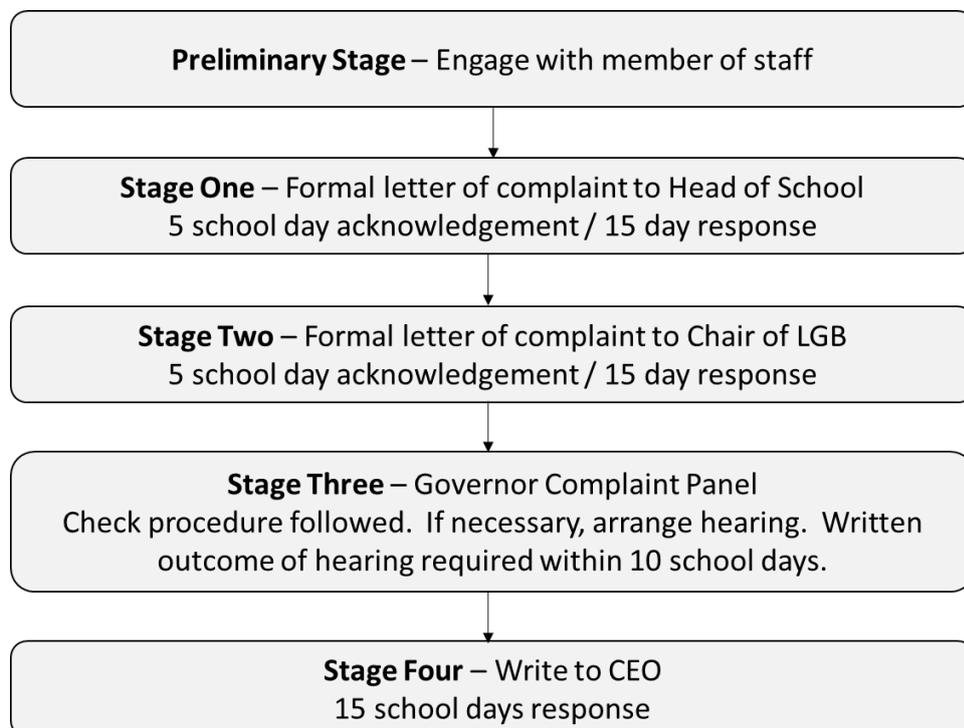
This will be reviewed after six months. In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from school premises.

Anonymous complaints will not be investigated under the Complaints Policy and will be passed to the relevant School Leader to decide on appropriate action.

HISP Multi Academy Trust Complaints Policy & Procedure

Appendix 2: Process Flow

School Level Complaint



Trust Level Complaint

A school complaint does not become a trust complaint

