



Hawthorn
Learning

Complaints procedure

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Author: Tomlin Wilding

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1. Purpose of the policy

1.1 Aims and objectives

Hawthorn Learning aims to meet its statutory obligations when responding to complaints from parents of students at the school.

When responding to complaints, we aim to:

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

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

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

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

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

1.2 Legal framework

This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and

make available a written procedure to deal with complaints from parents of students at the school.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

1.4 Terms and scope

Terms

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

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

Scope

Hawthorn Learning intends to resolve complaints informally where possible, at the earliest possible stage. There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

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

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Suspension and permanent exclusion
- Whistle-blowing
- Team member grievances
- Team member discipline

Please see our separate policies for procedures relating to these types of complaint.

2. Roles in the complaints procedure

2.1 *The complainant*

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Cooperate with the school throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed
- Treat all those involved with respect
- Do not publish details about the complaint on social media

2.2 *The investigator*

An individual will be appointed to look into the complaint and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the directors (or other directors where the investigator is one of the directors) or complaints committee, which includes the facts and potential solutions
- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

2.3 The complaints co-ordinator

The complaints co-ordinator can be:

- One of the directors or members of the CIC
- The designated director responsible for complaints
- Any other staff member providing administrative support

The complaints co-ordinator will:

- Keep the complainant up to date at each stage in the procedure
- Make sure the process runs smoothly by liaising with team members, the directors, and any administrators.
- Be aware of issues relating to:
 - Sharing third party information
 - Additional support needed by complainants, for example interpretation support or where the complainant is a child or young person
- Keep records
- Chair complaints meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

3. Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

3.1 Time scales

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

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

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

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

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

4. Stages of simple complaint

A simple complaint is one that is made against any member of the team other than a member or director of the CIC.

4.1 Stage 1: Informal

Hawthorn Learning will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant team member or director, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact us by emailing pod@hawthornlearning.org or by phoning 01794 892176.

Hawthorn Learning will acknowledge informal complaints within 3 working days, and investigate and provide a response within 5 working days.

The informal stage will involve a meeting between the complainant and the investigating team member, and may include the subject of the complaint where this is deemed appropriate.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

4.2 Stage 2: formal

The formal stage involves the complainant putting the complaint to a director and/or the subject of the complaint:

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

The complainant should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

If complainants need assistance raising a formal complaint, they can contact the school office they should contact us by emailing pod@hawthornlearning.org or by phoning 01794 892176.

A director will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 3 working days.

A director (or other person appointed by a director for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 10 working days.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the community director in writing within 5 working days.

4.3 Stage 3: review panel

Convening the panel

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.

A panel will be appointed by or on behalf of the directors and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the pod. This will usually be our Community Director who is not part of the running of the pod, and is in their role in order to ensure the needs of the community are met at all times.

The panel will have access to the existing record of the complaint's progress (see section 10).

The complainant must have reasonable notice of the date of the review panel. The administrator will aim to find a date within 10 working days of the request, where possible.

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

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

At the meeting

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

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

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

Representatives from the media are not permitted to attend.

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

The panel, the complainant and the pod representative(s) will be given the chance to ask and reply to questions. Once the complainant and pod representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

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

The outcome

The committee can:

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

If the complaint is upheld, the committee will:

- Decide the appropriate action to resolve the complaint

- Where appropriate, recommend changes to Hawthorn Learning's systems or procedures to prevent similar issues in the future

Hawthorn Learning will inform those involved of the decision in writing within 5 working days.

5. Stages of a complex complaint

A complex complaint is one that is made against any member or director of the CIC.

5.1 Stage 1: informal

Complaints made against a managing director should be initially directed to the other managing director, or can be taken directly to the director of community who is independent to the day-to-day management of the pod.

5.2 Stage 2: formal

If the complaint is in regard to the entire board of directors, an independent investigator will carry out the steps in stage 2 (as described in the previous section). They will be appointed in agreement between the board of directors and the complainant, and will write a formal response at the end of their investigation.

5.3 Stage 3: review panel

If the complaint is in regard to the entire board of directors, a committee of independent governors will hear the complaint. They will be sourced from local schools, or the local authority or diocese and will carry out the steps at stage 3 (set out in the section above).

6. Following completion and persistent complaints

6.1 Unreasonable or persistent complaints

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

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

Steps we will take

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

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

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as [Citizens Advice](#)
- Put any other strategy in place as necessary

Stopping responding

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our site.

6.2 Duplicate complaints

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

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

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

If there are new aspects, we will follow this procedure again.

6.3 Complaint campaigns

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

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

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

6.4 Learning lessons

The board of directors will review any underlying issues raised by complaints where appropriate, and respecting confidentiality, to determine whether there are any improvements that Hawthorn Learning can make to its procedures or practice to help prevent similar events in the future.

7. Policy administration

7.1 Monitoring and Review

The board of directors will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly. The board of directors will track the number and nature of complaints, and review underlying issues.

The complaints records are logged and managed by the Director of Education who is in charge of governance.

This policy will be reviewed by directors every 2 years.

7.2 Record keeping

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

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

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

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

The details of the complaint, including the names of individuals involved, will not be shared with the whole board of directors in case a review panel needs to be organised at a later point.

Where the board of directors is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

7.3 *Related policies, procedures and documents*

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Behaviour policy
- Team dignity policy
- SEN policy
- Information management policy