



## - The School at Hackney City Farm –

### Complaints Policy and Procedure

#### **Our promise**

Hackney City Farm KS3&4 Education Provision is committed to providing a quality service and achieving the highest standards of conduct. One of the ways in which we can continue to improve the service is by listening and responding to the views of our learners, parents, tutors and members of the public.

#### **The law**

Governing bodies are required by law to have a procedure in place to deal with complaints relating to aspects of the Education provision including, facilities or certain services at the education provision. The law requires that this procedure must be publicised.

#### **Who can make a complaint?**

A complaint can be brought by a parent of a registered child at the Education provision or any person who has been provided with a service or a facility at the school. The procedure refers to this person as a complainant.

#### **Special Circumstances**

Any complaint or other notice that suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual interference or neglect may be referred without further notice to Children's Social Care and/or to the social services authority for the area in which the child lives. If a social services authority decides to investigate a situation this may postpone or supersede investigation by the School Manager or governing body.

Where a matter can be resolved through a legal appeal it will not be considered as a formal complaint. The key areas are: admissions decisions; certain decisions relating to formal assessment of special educational needs; and decisions to permanently exclude a child.

#### **Our aims are**

- To ensure that making a complaint is as straight forward as possible
- To offer a preliminary discussion with the complainant to find out whether there is a need to take it further as a formal complaint
- To initially attempt an informal resolution
- To treat every communication as serious whichever way it is communicated; in person, by telephone ,letter or e-mail
- To respond appropriately - for example with an explanation , or an apology where we have got things wrong, or information on any action taken
- To respond to the complainant within 15 working days
- To learn from complaints and to use them as a means by which we can improve our service and make appropriate records of these in our Self-Assessment Report. (SAR)

## Complaints Procedure

The complainant can make a complaint in person, in writing, by telephone or by e-mail. Whichever way they choose they must provide us with their contact details so we can reply.

### Stage one

1. The complainant should be given an opportunity to discuss their concern with the School Manager. An appointment may need to be made. The complainant should be able to bring a friend to any discussion.
2. The School Manager in dealing with the concern should make sure that the complainant is clear what action (if any) or monitoring of the situation has been agreed. This stage should be completed speedily and concluded in writing with appropriate detail. **The School Manager should ensure that all correspondence, statements and records of complaints are kept confidential.**
3. **Where no satisfactory solution has been found**, the complainant should be informed that s/he will need to consider whether to make a formal complaint in writing to the School Manager. To assist in this process a complaint form should be provided. (see attached)

**If the complaint requires more investigation the School Manager will let them know what is being done and when they can expect a full reply.**

The complaint should be directed to:

#### School Manager

Adrian Johnson

Hackney City Farm

KS3&4 Education Provision

1a Goldsmiths Row

London E2 8QA

Telephone - 0207 729 6381

Email - [adrian@hackneycityfarm.co.uk](mailto:adrian@hackneycityfarm.co.uk)

**If the complainant is still not happy with the response** (the outcome letter) they can contact the Chair of the Governing Body within 15 school days of receiving the outcome letter. The outcome letter should set out the name of the Chair of the Governing Body and the address to which the complainant can send the letter.

**Complaints against the School Manager** - If the complaint is wholly or mainly about the School Manager, the Governing Body should consider the complaint in accordance with Stage 2 of the procedure described below. However, before Stage 2 is instigated the Chair of

the Governing Body will invite the School Manager to respond to the complaint in writing within ten school days. The Chair will send a copy of the School Manager's response to the complainant who will be asked to indicate within **five school days** of receipt of the response whether s/he is satisfied with the response. If the complainant is not satisfied with the response stage 2 should commence as described in paragraph 2.1 below.

### **Stage 2 – Consideration by the Governing Body**

2.1 If the complainant decides to take the matter further, the Chair of the Governing Body should write to the complainant to acknowledge the complaint **within five school days** of receipt of the complaint. A copy of the acknowledgement and the complaints form should be sent to the School Manager and the Clerk to the Governing Body. (See attached)

2.2 Investigating the complaint – If the complaint has been investigated at Stage 1, the result of the investigation must be made available to the Clerk/Chair by the School Manager. However, where the complaint is against the School Manager and the complaint is referred to Stage 2, the Chair of the Governing Body must decide how the complaint should be investigated. Where the facts of the complaint are clearly established, it is unlikely for the Chair of the Governing Body to order an investigation. The matter may instead be escalated directly to the Complaints Appeal Panel.

2.3 Governing bodies are advised to establish a Complaints Appeal Panel (CAP) drawing on three governors with no prior, direct involvement with the complaint. In deciding the make-up of the CAP, where possible the governing body will 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. **The governing body will also ensure that there is a person available to serve on the CAP who is independent of the management and running of the provision.**

2.4 The School Manager should not serve on the CAP. If the Chair of the governing body has had any prior involvement in the complaint then the Chair must not sit on the CAP.

2.5 The CAP should consider the complaint on the basis of the written evidence and set up a hearing to hear both parties. The CAP should reconsider the issues raised in the original complaint and not confine themselves to consideration of procedural issues.

2.6 The Chair of the CAP should take a decision at the beginning of Stage 2 on whether to seek the services of a Clerk to:

- **Invite complainant and appropriate company to the hearing**
- Deal with the administration of the procedure;

- Provide independent advice on procedure and evidence;
- Ensure that the relevant facts are established;
- Minute the meeting; and
- Draft the decision letter.
- **Ensure that the complainant, proprietor, School Manager and where relevant the person complained about, are given a copy of the findings and recommendations.**

2.7 The Clerk/Chair of the CAP should write to the complainant to explain how the review will be conducted. The letter should be copied to the School Manager.

2.8 The Clerk/Chair of the CAP should confirm the date of the meeting with the other governor(s).

2.9 The complainant and School Manager should be invited to attend the meeting. The date and time of the meeting should be convenient to the complainant and School Manager, within reason. The notification should inform the complainant of his/her right to be accompanied to the meeting by a friend/representative. It should also explain how the meeting will be conducted and of the complainant's right to submit further written evidence to the committee.

2.10 The School Manager should also be invited to prepare a written report for the CAP in response to the complaint. The Head

2.11 All relevant correspondence regarding the complaint should be circulated to the CAP; the complainant and the School Manager in advance of the meeting.

2.12 If the School Manager and/or the complainant wish to call witnesses, the agreement of the Chair of the CAP should be obtained in advance of the meeting.

2.13 It is the responsibility of the Chair of the CAP to ensure that the meeting is properly conducted. However, the proceedings should be as informal as possible.

2.14 The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. However, at the end of the meeting the CAP will need to issue a finding in writing either upholding or not upholding the complaint or upholding some parts and not others.

2.15 If either party wishes to introduce previously undisclosed evidence or witnesses, it is in

the interest of natural justice to adjourn the meeting so that the other side has time to respond to the new evidence. Late evidence of witnesses should not be accepted unless there is a good reason for the lateness.

2.16 The meeting should allow for:-

- The complainant to explain his or her complaint and the School Manager to explain the reasons for his or her decision;
- The School Manager to question the complainant about the complaint and the complainant to question the School Manager;
- The CAP to have an opportunity to question both the complainant and the School Manager;
- Any party to have the right to bring witnesses (subject to the approval of the Chair of CAP) and all parties having the right to question all the witnesses; and
- A final statement by the School Manager and complainant.

2.17 The Chair of the CAP should explain to the complainant and the School Manager that the CAP will consider its decision, and a written response will be sent to both parties as soon as possible. The complainant, School Manager and any witnesses will then leave.

2.18 The CAP will consider the complaint and all the evidence presented and reaches a unanimous, or at least a majority, decision on the complaint. Where appropriate the CAP can decide on the action to be taken to resolve the complaint and/or suggest recommended changes to the school's system or procedures to ensure that problems of a similar nature do not happen again.

2.19 As in Section 1.8 above, the CAP will not pay financial compensation as a response to a complaint, though may spend money on an appropriate educational purpose.

2.20 The Clerk/Chair of CAP will send a written statement outlining the decision with reasons to both the complainant and the School Manager.

2.21 Stage 2 should be completed in 15 school days. However, it is recognised that this timetable is likely to prove impossible for complaints which are complex. In such cases the chair of the complaints committee should write to the complainant and School Manager giving a revised target date.

2.22 In all cases the action taken will be provided in writing to the complainant and (where appropriate) the person complained about. Records will remain confidential, and available

by the Head Teacher and Proprietor on the premises, (including related correspondence) for inspection by the Secretary of State, or a body conducting an inspection under Section 109 of the 2008 Act.

### **Vexatious Complaints**

- There may be occasions when despite all stages of the procedure having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Governing Body can inform the complainant in writing that the procedure has been exhausted and that the matter is now closed.

Guidance on making a submission about a school complaint to the Department for Education can be found on Department for Education website at the following link:

<http://www.education.gov.uk/schools/leadership/schoolperformance/b00212240/making-complaint-school>

A copy of this policy is available to students, staff, parents and carers in the school office.

A summarised version of this policy is available to students, parents and carers in the Student Handbook on admission.

