



## Complaints Policy - SEND

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Approved by:	New Generation Schools Trust Board
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This policy should be used in conjunction with the DfE Guidance (Best Practice Advice for School Complaints Procedures 2016) and alongside (Hope Community School's Home/School Agreement) and SEND Policy.

## **1.0 Introduction**

The majority of issues raised by parents, or pupils, are concerns rather than complaints. Hope Community School is committed to taking concerns seriously, at the earliest stage, in the hope of keeping the number of formal complaints to a minimum and without recourse to formal procedures. However, in those instances where a parent does not feel a concern has been addressed, or it is of sufficient gravity, then the School's formal complaints procedure should be used. The prime aim of the School's policy is to resolve the complaint as fairly and speedily as possible. Formal complaints will be dealt with in a sensitive, impartial and confidential manner.

This policy and procedure have been developed with due regard to the 2002 Education Act, guidance published by the DfE in 2016 and the ESFA's guidance on creating an academy complaint's procedure (taking into account schedule 1 part 7 of Education (Independent School Standards) Regulations 2014).

The policy will be available also via the website and provided, on request, in hard copy to parents of pupils at the School and to parents of prospective pupils, on request. Written records of all complaints indicating whether they were resolved at the preliminary stage or whether they proceeded to a panel hearing will be kept.

The following details outline the stages that can be used to resolve complaints related to the SEND provision at the school.

## **2.0 The School's SEND Complaints Policy has three main stages.**

In summary they are as follows:

Stage 1 – A concern is raised with the school's SENCO. Most concerns will be resolved at this stage. If not, then stage 2 begins:

Stage 2 – The school receives a formal written complaint addressed to the Principal who will confirm what investigations and resolutions have already occurred and arrange a further investigation (within ten working days) to resolve the matter. If the matter cannot be resolved, then the complaint goes to:

Stage 3 -The Local Council's Complaints' Panel for a formal hearing of the complaint (within three weeks from the completion of Stage 3).

### **2.1 Stage 1 – Raising a concern**

Concerns can be raised with the School at any time and will often generate an immediate response, which will resolve the concern. The School requests that complainants who are parents make their first contact with the school's SENCO.

On some occasions the concern raised may require investigation, or discussion with others, in which case there will be an informal but informed response within two days. It is anticipated that the vast majority of concerns will be satisfactorily dealt with in this way.

### **2.2 Stage 2 – Making a complaint**

Formal complaints should be in writing and sent to the School, addressed to the Principal. The complaint will be logged, including the date it was received. The school will normally acknowledge receipt of the complaint within two working days of receiving it and report on the action the School will take to resolve the issue. The outcome of the investigation will be communicated in writing within 10 working days. Where this is not possible the School will communicate in writing within 10 working days to explain when it can be resolved.

#### **Note Regarding Complaints Against the Principal**

In cases where the matter concerns the conduct of the Principal, the Chair of the Local Council should be contacted (see contact information in Appendix D). The Principal will be informed of the complaint and the Local Council will arrange for the matter to be investigated. The school will normally give a response within five working days but in any case, within no more than ten working days.

#### **Note Regarding Complaints Against the Chair or Local Council Members**

If the complaint is about the Chair or any individual council member, the complaint should be made in writing to the Clerk to the Local Council (see contact information in Appendix

D).

### **2.3 Stage 3 – Complaints’ Panel**

If the matter has still not been resolved at Stage 2, then the school will advise the complainant of the right to refer to the Local Council who will establish a panel of at least 3 people who have not been directly involved in the matters detailed in the complaint. Complainants should send their written complaint to the Chair of the Council asking for the matter to be considered by the Council’s Complaints’ Panel with delegated powers to hear complaints. The hearing will normally take place within ten working days of the receipt of the written request for Stage 4 investigation. The panel will be two council members and one person who is independent of the management and running of the School. Complainants will be allowed to attend the panel hearing and may be accompanied if they so wish.

Complainants have the right to request an independent panel, if they believe there is likely to be bias in the proceedings. Hope Community School will consider the request but ultimately, the decision is made by the council members.

The aim of the panel hearing is to impartially resolve the complaint and to achieve reconciliation between the School and the complainant. All parties will be notified of the Panel’s decision in writing within five working days after the date of the hearing. The decision of the panel is final.

The panel will make findings and recommendations and these will be sent to the complainant. They will also be available for the Principal, the Chair of the Local Council Body and the Board of New Generation Schools Trust to inspect.

N.B: Written records will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing.

All correspondence, statements and records of complaints are confidential (except where the Secretary of State or a body conducting an inspection under section 162 of the 2002 Act requests access to them).

If the complainant is not satisfied about the handling of the complaint, they need to contact the Board of the New Generation Schools Trust in the first instance. Following this, further appeal may be made to the Department for Education (see all contact information in Appendix D).

### **3.0 Monitoring, Evaluation and Review**

The Local Council monitors the complaints procedure, in order to ensure that all complaints are handled properly. The Principal logs all formal complaints received by the School and records how they were resolved.

Local Councils examine this log on an annual basis and consider the need for any changes to the procedure. The policy will be promoted and implemented throughout the school.

The Board of New Generation Schools Trust will also examine the log on an annual basis to ensure that the correct procedures are being adhered to.

## **4.0 LOCAL COUNCIL APPENDICES**

### **4.1 Appendix A: Further Details of Formal Complaints Procedure**

The following Guidance from the DfE should be referred to by all those involved in any complaint's procedure.

4.11 Stage 1 is the informal raising of a concern. These following stages may proceed if the concern requires further investigation.

#### **4.12 Stage 2: Complaint Heard by Principal/Appointed Staff Member**

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, if staff are made aware of the procedure, they know what to do when they receive a complaint.

The school respects the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the Principal can refer the complainant to another staff member. Where the complaint concerns the Principal, the complaint must be sent to the Chair of the Local Council.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Principal may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a council member, the next step is to refer the complainant to the appropriate person. In normal circumstances council members will not be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

#### **4.13 Stage 3: Complaint heard by the Local Council's Complaints' Panel**

At this point, the complainant may be dissatisfied with the way the complaint was handled at stages one and two as well as pursuing their initial complaint. If still dissatisfied the complainant should write to the Chair of the Local Council giving details of the complaint. The Chair, or a nominated council member, will convene a Local Council Complaints' panel consisting of at least three people none of whose members will have been directly involved in the matters detailed in the complaint. One of the members of the panel must be independent of the management and running of the school. If the complainant requests an independent panel, the Local Council will consider this request and make a decision regarding the composition of the panel.

The council members / independent panel hearing is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

Individual complaints would not be heard by the whole Local Council at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

### **The Remit of the Complaints' Panel**

The 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 the school's systems or procedures to ensure that problems of a similar nature do not recur.

## **Further Options**

### **New Generation Schools Trust**

If you are unhappy with the findings of the panel (stage 3), you may appeal to the Board of the New Generation Schools Trust. The Board can be contacted by writing to:

The Clerk to the New Generation Schools Trust

New Generation Centre

Birkbeck Road

SIDCUP

Kent

DA14 4DJ

Or

By emailing the Clerk to the New Generation Schools Trust at [admin@newgenschools.org](mailto:admin@newgenschools.org)

### **The Education and Skills Funding Agency (ESFA)**

Following review of the complaint by the Trust Board, if you are still unhappy with the decision you may put your complaint to The Education and Skills Funding Agency (ESFA):

<https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy>

**The complaint to the ESFA can be made as long as it is not about an SEN statement or an EHC plan.**

Complaints about an SEN statement or an EHC plan should be made through the issuing Local Authority's Appeal and Mediation process.

### **Bexley**

The Appeal and Mediation process for the London Borough of Bexley can be found here (<https://www.bexleylocaloffer.uk/Services/2320>)



**APPENDIX A:**

**Complaint Form**

Please complete and return to the Principal who will acknowledge receipt and explain what action will be taken.

Your name:	Child's name:
Your relationship to the child:	
Address:	Postcode:
Daytime telephone number:	Evening telephone number:

Please give details of your complaint.

What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)?

What actions do you feel might resolve the problem at this stage? Are you attaching any paperwork? If so, please give details.

Signature:

Date:

<b>Official use:</b>	<b>Date acknowledgement sent:</b>
	<b>By whom:</b>
	<b>Complaint referred to:</b>
	<b>Date referral made:</b>

## **APPENDIX B: Contact Information**

You may contact the Chair of the Local Council to make a complaint by writing to:

The Chair of the Local Council  
Hope Community School, Sidcup  
167 Rectory Lane  
SIDCUP  
Kent  
DA14 5BU

**APPENDIX C**

**Complaints Timeline**

The complaint should be received within three months of the incident. However, in exceptional cases, this time limit can be extended.





