

# Hull Collaborative Academy Trust

## Complaints Procedure



<b>Approved by:</b>	Trust Board	<b>Date: 10/04/2020</b>
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The Trust is committed to working with people through a fair process, and in line with our restorative approach. The Trust will invite you to engage with the Trust through our Restorative Practices Policy. A copy of which is available on request. In line with this, the Trust always try to resolve complaints restoratively and informally, and in so doing, will:

- Be respectful, impartial and non-adversarial.
- Facilitate a full and fair investigation.
- Address all the points at issue and provide an effective and prompt response.
- Respect confidentiality.
- Consider how the outcome might feed into school improvement.
- Keep all parties informed of the progress of their complaints

## **1. General Principles**

- This procedure is intended to allow you to raise a concern or complaint relating to the Trust, or the services that it provides, whether you are a parent/carer of a child or a third party.
- An anonymous concern or complaint will not be investigated under this procedure unless there are exceptional circumstances.
- To allow for a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. Except in exceptional circumstances, any matter raised more than three months after the event, being complained of, will not be considered.
- For the purposes of this policy, the Headteacher also includes the Executive Headteacher and Head of School.
- At any stage of this process, the parties can request a restorative process be facilitated in order to resolve the complaint or concern or any issues raised as a result
- This policy will be published on school and Trust websites

## 2. Legislation

This Procedure is based on guidance published by the Education and Skills Funding Agency (EFSA) 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).

This Procedure complies with our funding agreement and articles of association.

In addition, it addresses duties set out in the Early Years Foundation Stage statutory framework with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

## 3. Definitions

The DFE guidance offers the following definitions

- A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurance is sought”

The School will seek to resolve concerns through day-to-day communication as far as possible

- A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or lack of the procedure relating to handling such complaints.

This policy does not cover complaints relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding allegations against staff
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

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

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

#### **4. Principles for Investigation**

- a) When investigating a concern/complaint, the school will try to clarify:
  - What has happened?
  - Who was involved?
  - What the complainant feels would put things right?
- b) We will try to address the concern/complaint as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage. We have given timescales further down, so should these be the same (Stage 1 – informal)
- c) If further investigation is necessary new time limits will be set and details will be sent to the complainant with explanations for the delay.

#### **5. Complaints about our fulfilment of our early years requirements**

We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint and make this available to Ofsted on request.

Parents and careers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or by emailing [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)

#### **6. Stages of Complaint**

##### **Stage One-Informal**

The Trust is committed to working with people through a fair process, and in line with our restorative approach you will be invited to engage with the Trust through our Restorative Practices (RP) Policy.

In some cases, the parties may request that an independent RP practitioner from outside the Trust is appointed to facilitate or support the restorative process.

Concerns/complaints should be made as soon as possible after an incident has occurred, and no later than three months afterwards. Exceptions to this will be considered if there are valid reasons for the concern/complaint not being made at the time and if the concern/complaint can still be investigated in a fair manner for all involved.

In line with the Academy's restorative approach, it is normally appropriate to initially communicate directly with the member of staff concerned. This may be by letter, by telephone or in person by appointment. Many concerns/complaints can be resolved by a

resolution meeting, and it is anticipated that most issues can be resolved during this informal stage.

If you are not comfortable speaking to the person with whom you have a concern/complaint, it may be appropriate to address these directly to the Headteacher or if the concern/complaint is about the Headteacher, to the Chair of Trustees.

If your concern/complaint is against the Chair of Trustees, the Trust Central Team or a Trustees, the form should be submitted to the Chief Executive Officer (CEO) of the Trust. If the concern/complaint is regarding the CEO, the form should be submitted to the Chair of Trustees.

If you are uncertain about who to contact, please seek advice from the school office or the Clerk to the Trustees (whose details are shown in Annex I).

The school will acknowledge informal concerns/complaints within seven school days, it will investigate and provide a response within a further ten school days. The informal stage normally involves a meeting between the complainant and the relevant member of staff, should one be involved.

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

### **Stage Two-Formal**

The formal stage requires that you must put the concern/complaint in writing, (an appropriate form is provided to assist you at appendix 1) and this should be passed to the Headteacher, [or to the Clerk to the Trust, for the attention of the Chair of Trustees, (if the complaint is about the Headteacher) who will be responsible for ensuring that it is investigated appropriately.

If your concern/complaint is against the Chair of Trustees, the Trust central team or a Trustee, the form should be submitted to the Chief Executive Officer (CEO) of the Trust. If the concern/complaint is regarding the CEO, the form should be submitted to the Chair of Trustees. This will then move the process on to the Formal stage.

On the form you should include the following:

- A full description of your concern/complaint
- details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of any relevant documents
- a clear statement of the actions that you would like the school to take to resolve your complaint. Without this it is much more difficult to proceed.

The completed form should be placed into a sealed envelope to the Headteacher, Chair of Trustees or another appropriate person as detailed in Annex 1

In line with the Academy's restorative principles, you may be invited to a meeting to clarify your concern/complaint and to seek an informal resolution. If you accept that invitation, a friend may accompany you, if you wish, to assist you in explaining the nature of your concerns, you should inform the academy of the identity of your companion in advance. In certain circumstances the Academy may need to refuse a request for a particular individual to attend – for example if there is a conflict of interest. If this is the case the Academy will notify the complainant as soon as they are aware so that the complainant has the opportunity to arrange alternative accompaniment. An independent restorative practitioner may also be invited to facilitate the process with the agreement of all parties.

It is possible that your concern/complaint will be resolved through this meeting with the Headteacher [or Chair]. If not, arrangements will be made for the matter to be fully investigated, using the procedure described in appendix 3. The written conclusion of the investigation will be sent to the complainant within 15 days of receipt of the formal complaint. Please note that this time period may be extended by agreement between the parties. This notification should include an indication of the anticipated timescale for the processes to be implemented.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the Chair of the Trust in writing within 10 days.

### **Stage Three-Review Panel Meeting/ review process**

This process is used where

- A) a complainant is not happy with the way in which the school has handled their concern/complaint, having gone through the formal and informal stages detailed above.
- B) Or where the school receives a formal concern/complaint about one of the limited number of matters, that is not dealt with by another statutory process and which relates to school or the services that it provides, it may be necessary to convene a Trustee panel to consider the matter and formulate a response.
- C) **If your concern/complaint is against the Chair of Trustees, the Trust Central Team or a Trustee the complaint will move directly to stage Four.**

The complaint is likely to relate to matters such as:

- the content or the application of a Trust policy
- School facilities
- Unreasonable exercise of the Headteacher's discretion

If a Trustee committee already has delegated power with respect to a policy that is being complained of, a panel of members from that committee should be convened.

Otherwise, the clerk should convene a panel of 3 Trustees, one the link Trustee of the school, but who have not previously been involved with the complaint and two Trustees, who are independent of the management and running of the school.

The complainant should submit the details of their concern/complaint, in writing, on the form attached in appendix 1 to the clerk of the Trustees. The clerk will seek similar written responses from the school, where this is necessary.

A meeting of the panel will take place, usually within ten school days, to consider the matter. Five days' notice of this meeting will be given to the complainant, who will be invited to attend the meeting together with a friend if they wish. In addition, representative[s] from the school may be invited to attend this meeting, in order to clarify the matter. As the panel meeting is intended to be investigatory, rather than adversarial, the persons giving evidence or making representations to the panel will normally attend separately.

When the panel has collected sufficient information, it will deliberate and then inform the complainant, the Head Teacher and the Trustees, of the outcome, in writing. The procedure for the Review Panel meeting is detailed in Appendix 3.

Consideration of the concern/complaint by the Trustees and the school, save for any actions that are agreed, will terminate at this point. Written records are to be kept of all concerns/complaints, indicating whether they were resolved at the preliminary stage or whether they proceeded to a panel hearing. Correspondence, statements and records of concern/complaints are to be kept confidential (this does not apply to the requirement of the school to provide interested parties with information about the number of complaints registered under the formal procedure during the preceding year).

If the complainant is not satisfied that the appropriate procedure has been followed at school level, they may request a review of that process by a new panel of the Academy's Trustees.

#### **Stage Four- (Appeal) Trustee Panel/Review meeting**

This is for cases where:

- The complaint has not been resolved at stage three
- Where the complaint concerns the following parties the CEO, the Central Team, members of the Trustees, Chair of Trustees.

Any review of the process followed by the school will be conducted by a panel of three new members of the Academy's Trustees together with an independent person who is not involved in the Trust management. This will usually take place within ten school days of receipt of a written request.

The review will normally be conducted through a consideration of written submissions.

The panel will:-

- First receive written evidence from the complainant.
- The panel will then invite representatives of the school (usually the headteacher or the chair of the Trustee panel that has considered the matter) as appropriate, to make a response to the concern/complaint.

- The panel may also have access to the records kept of the process followed.
- The complainant, and where relevant the person complained about, will be informed in writing of the outcome, findings and recommendations of the panel, usually within five school days of the panel meeting.
- the findings and recommendations of the panel will be available for inspection on the school premises.
- The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by the Trust. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the Trust will take to resolve the complaint. The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the head teacher. A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision. All correspondence statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.
- The matter will then be closed as far as the Academy is concerned.

If the complainant believes the school / trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed Stage 4. The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the Trust. They will consider whether the Trust has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).

The complainant can refer their complaint to the ESFA online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit  
 Education and Skills Funding Agency  
 Cheylesmore House  
 5 Quinton Road  
 Coventry  
 CV1 2WT

The Academy Trust acknowledges that following the completion of any of the processes within this policy, people can be left feeling that relationships have been damaged, and those involved in the processes, however properly these have been handled, may feel harmed by the process. To enable those involved to move forward and repair relationships after the complaints process has been completed, the Academy will offer



the services of a Restorative Practice Lead Practitioner to support the resolution and repair process.

### **Other types of complaint**

Schools may not consider complaints about behaviour that happens outside the school's hours or premises. For some types of complaint you need to contact a different agency.

<b>Complaint</b>	<b>Who to contact</b>
Child protection	<a href="#">Local council</a>
Criminal behaviour	<a href="#">Police</a>
Data protection	<a href="#">Information Commissioner's Office</a>
Discrimination	<a href="#">Equality Advisory and Support Service</a>
Employment	<a href="#">An employment tribunal</a>
Exam malpractice or maladministration	<a href="#">Ofqual</a> and the awarding body

## **7. Serial Complainants**

Where a complainant tries to re-open an issue with the school after the complaint procedure has been fully exhausted, or the Chair of the Trust Board will inform the complainant that the matter is closed.

If the complainant subsequently contacts the school about the same issue, the school may choose not to respond. The normal circumstances in which a response will not be given are:

- The School has taken every reasonable step to address the complainant's needs;
- The complainant has been given a clear statement of the school's position and their options (if any) and
- The complainant is contacting the School repeatedly but making substantially the same points each time.
- There is reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, and /or
- The individuals letters/emails/telephone calls are often or always abusive or aggressive, and/or
- The individual makes insulting personal comments about, or threats towards, school staff

Unreasonable behaviour which is abusive or threatening may constitute an unreasonably persistent complaint.

Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email. The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably, following the procedures outlined above.

#### **8. Record keeping and monitoring**

The school will record the progress of all complaints, including information about actions taken at all stages, including details of the resolution and final outcome. The record will include copies of emails, letters and phone or meeting notes.

The material will be treated as confidential and will be held centrally and securely under the Academy's Data Protection policy and General Data Protection regulations (GDPR) 2018 and will normally only be viewed by those involved in investigating the complaint or on the review panel. Exceptions to this would be where a Freedom of Information request is made or the secretary of state requests access to the records.

Records of complaints will be held in accordance with the Trust's document Retention Policy.

The Trustees will review any underlying issues raised by complaints where appropriate to help prevent similar events in the future. The Trust Board will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. Numbers and the nature of complaints will be reviewed and tracked to ensure that the policy is working effectively, and lessons can be learnt, and Trust policies modified if required from issues raised in the complaint or concern.

## Appendix 1

### Complaint Form

Please complete this form and return it to Head Teacher [or Clerk to the Trustees], who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name: .....

Relationship with school [ e.g. parent of a pupil on the school's roll]:

.....

Pupil's name [ if relevant to your complaint]:

.....

Your Address:

Daytime telephone number: .....

Evening telephone number: .....

Please give concise details of your complaint, [including dates, names of witnesses etc...], to allow the matter to be fully investigated.:

You may continue on separate paper, or attach additional documents, if you wish.  
Number of Additional pages attached =

What action, if any, have you already taken to try to resolve your complaint? [i.e. who have you spoken with or written to and what was the outcome?]

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

Signature:

Date:

School use:  
Date Form received:  
Received by:  
Date acknowledgement sent:  
Acknowledgement sent by:

Complaint referred to:			
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Date:			
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## **Appendix 2**

### **Investigation Procedure**

- The investigation of a concern or a complaint should always be carried out thoroughly and responsibly
- The outcome of such an investigation will have significance not only for the complainant but also for any member of staff against whom a complaint has been made.

#### **1. Preparing for an Investigation**

Where the school receives a formal complaint, it should be acknowledged, and a commitment made that the complaint will be investigated, and the outcome of the investigation notified to the complainant in due course.

It is essential that there is a clear understanding of the complaint. Where necessary, the nature of the complaint should be confirmed with the complainant. e.g. through an initial meeting. If an investigator is appointed there may need to be more detailed follow-up.

Any member of staff against whom a complaint has been made, should be notified that a complaint has been received and that the procedure in this policy will be followed. It is usually not appropriate to provide the member of staff with details of the evidence on which the complaint is based, until any investigation has been completed. However, the member of staff does need to be able to understand the nature of any allegations against them.

Once any complaint has been confirmed, the school needs to determine which procedure is most appropriate and to select an appropriate person to conduct any investigation.

#### **2. Conducting the investigation**

Arrangements should be agreed so that accurate notes can be taken of all interviews and the outcome of the investigation be accurately recorded.

The complainant should be given the opportunity to offer documentation and to identify potential witnesses or sources of evidence.

The member of staff subject to the complaint, should be advised that they may be accompanied by a friend or trade union representative when invited to be interviewed.

Where children are potential witnesses, discretion should be exercised over their involvement. Pupils should only be interviewed when the nature of the complaint is sufficiently serious to warrant it, and adult witnesses are not available. Only in extreme circumstances will younger pupils be interviewed.

Any interviews should be conducted as soon as possible, to ensure that recollections are as fresh as possible, and to minimise the possibility that evidence will become tainted, through witnesses discussing alleged incidents with other persons.

In conducting interviews, the investigator should prepare the questions to be asked prior to the interview. These can always be supplemented during the interview. The investigator should allow the interviewee to answer in their own way. Their responses should be listened to attentively. Any temptation to cut an interviewee short or to seek to "lead" them must be resisted. The interviewee should be given the opportunity of providing other relevant information at the end of the interview.

Interviewees should, however, be advised that their responses must be confined to the substance of the complaint. Any attempt by the interviewee to introduce information relating to other members of staff or to issues unrelated to the complaint should be resisted.

The investigator should avoid reaching conclusions or passing judgement until the investigation has been completed and their report is being written.

### **3. Concluding the investigation**

A report should be compiled for presentation to the Headteacher or Chair of Trustees

The report may contain:

- a brief outline of the process that has been followed
- a statement of the complaint/concern
- a summary of the findings linked to the relevant evidence
- any recommendations for future action
- annexes containing copies of witness statements and other evidence collected during the investigation

The report of the investigation will usually be confidential to the school, as it is likely to contain sensitive personal information. If a request is received to release the report, under either the Data Protection Act or Freedom of Information, the school should seek advice from the Data Protection Officer.

A summary of the process undertaken, and the outcome of the investigation may be provided to the complainant. Caution must be exercised in reporting back to the complainant as revealing certain details may prejudice the ability of an employee to continue in post.

Following consideration of the report by the relevant body, any final recommendations may also be shared with the parties, unless there is good reason not so to do. Wherever possible, recommendations should be constructive and not punitive.

The complainant should be advised that he/she may, if they are not satisfied that the appropriate procedure has been followed, request a review of that process by the Trustee. Any such request must be made in writing to the clerk to the Trustee, within 10 school days of receiving notice of the outcome, and include a statement specifying any perceived failures to follow the procedure. The procedure described below will then be followed. A Review Request form is provided for your convenience (appendix 5)

### **Appendix 3 Review Panel meeting /procedure HCAT Procedure for the Review Panel Meeting**

- 1 Introduction by the Chair/Clerk
- 2 Presentation of the case by the complainant
- 3 Questions by the Headteacher or (representative) and Panel members
- 4 Statements by Headteacher or representative
- 5 Questions by the complainant and Panel members
- 6 Opportunity for the complainant to make a final statement
- 7 Withdrawal by the complainant and Headteacher (or representative) for the Panel to deliberate
- 8 Consideration of the case by the Panel members who will determine whether to uphold or dismiss the complaint in whole or part and action to resolve the complaint



### **Contact/Complaints Triage Table**

<b>Nature of Contact</b>	<b>Appropriate person to receive contact</b>	<b>Relevant Policy/Procedure</b>
Request for published information	School Office	FOI Act Charging Policy
Request for personal pupil information	Head Teacher or Senior member of staff	Data Protection
Complaint about a policy [content or application of]	Clerk/Chair	General Complaints Procedure
Unreasonable exercise of discretion by Head Teacher e.g. declining to accept a volunteer or to sign a passport application	Head Teacher Chair	General Complaints Procedure
Allegation about conduct of a member of staff	Head Teacher Or Chair [if allegation against head]	School Staff Discipline Procedure [Confidential to School and Employee]
Allegation of verbal or physical assault by employee on pupil	Head Teacher OR Child Protection co-ordinator Or Chair [if allegation against head]	Local Child Protection Procedures [Confidential to school, LA CPO and parents of alleged victim]
Allegation about capability of a member of staff	Head Teacher Or Chair [if allegation against head]	School Staff Competence Procedure [Confidential to School and Employee]
Conduct of another pupil [e.g. bullying]	Head Teacher or Senior member of staff	School behaviour and discipline procedures [Confidential to School and parents of alleged perpetrator]
Discipline of a pupil	Head Teacher or Senior member of staff	School behaviour and discipline procedures [Confidential to School and parents of pupil]
Content of /Failure to maintain a statement of SEN	Head Teacher /SENCO LA	LA procedures
Admissions	Chair/Clerk [Foundation/VA] LA [Community/VC]	Admissions Procedure Admissions Appeal Procedure
Exclusion	Chair/Clerk [Foundation/VA] LA [Community/VC]	Exclusion Appeal Procedure
Failure to provide NC Entitlement or Inappropriate curriculum	Head Teacher Clerk to Trustees LA	LA Procedure
Extended Services	Manager of relevant service	Procedures of Service Provider
Trustee Decision to remove licence for a person to enter school premises [banning]	Clerk to Trustees	Trustee Appeal Committee
Selection of pupil for school team/play	Head Teacher/Clerk to Trustees	General Complaints Procedure

