



Complaints Policy and Procedure

(Revised 12 Apr 23)

Adopted by The Hawkmoor Learning Trust	Signature	
	Print Name	
	Date	
	On behalf of the Hawkmoor Learning Trust	

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Introduction

1. The Hawksmoor Learning Trust (THLT) and its academies;
 - 1.1. endeavour to provide the best education possible for all its pupils in an open and transparent environment,
 - 1.2. welcomes any feedback received from parents, pupils or third parties and
 - 1.3. accepts that, on occasion, individuals;
 - 1.3.1 may feel dissatisfied with the service provided and
 - 1.3.2 will wish to express this dissatisfaction.
2. Where concerns are raised, THLT intends for these to be dealt with;
 - 2.1. fairly,
 - 2.2. openly,
 - 2.3. promptly and
 - 2.4. without prejudice.
3. This policy explains the process for handling complaints regarding THLT and its academies.

Definitions

Complaint	means an expression of dissatisfaction however made, about actions taken or a lack of action’.
Concern	means an expression of worry or doubt over an issue considered to be important for which reassurances are sought’.
Head	means Head or Head of School
School day	means a day when the school is open and children are attending
The Trust	means The Hawksmoor Learning Trust (THLT)
unreasonable complainants	means those who, because of the frequency or nature of their contacts with the Trust or school, hinder consideration of their or other people’s complaints

Policy Scope

4. This policy and procedure covers all concerns and complaints relating to;
 - 4.1. volunteers,
 - 4.2. academies,
 - 4.3. academy staff,
 - 4.4. academy governors,
 - 4.5. the trust
 - 4.6. trust staff and
 - 4.7. trustees.

5. This policy does not apply to the following topics of complaints, these are dealt with by alternate specific policies and procedures.
- 5.1. **Admissions.** Admissions should be handled either through the appeals process or via the Local Authority.
- 5.2. **Matters likely to require a Child Protection Investigation.**
- 5.2.1 These matters are handled;
- under the Child Protection and Safeguarding Policy and
 - in accordance with relevant statutory guidance.
- 5.2.2 Serious concerns should be directed to the;
- Local Authority Designated Officer (LADO) who has local responsibility for safeguarding or
 - Multi-Agency Safeguarding Hub (MASH).
- 5.3. **Exclusions of children.**
- 5.3.1 Further information about raising concerns about exclusions can be found at: www.gov.uk/school-discipline-exclusions/exclusions.
- 5.3.2 Complaints about the application of the behaviour policy can be made through the Complaints Procedure.
- 5.4. **Whistleblowing.**
- 5.4.1 Whistleblowing is by the Whistleblowing Policy.
- 5.4.2 The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters directly with their employer. Referrals can be made at: www.education.gov.uk/contactus.
- 5.4.3 Volunteer staff who have concerns should complain through the Complaints Procedure.
- 5.5. **General.** Depending on the circumstances of the complaint it may also be appropriate to complain direct to the;
- 5.5.1 Local Authority or
- 5.5.2 Department for Education.
- 5.6. **Staff grievances.** Staff grievances are dealt with under the internal Grievance Procedures.
- 5.7. **Staff conduct.**
- 5.7.1 Staff conduct is dealt with under the THLT internal Disciplinary Procedures (if appropriate).
- 5.7.2 Complainants will;

- not be informed of any disciplinary action taken against a staff member as a result of a complaint but
- be notified that the matter is being addressed.

5.8. **Withdrawal from the curriculum.**

- 5.8.1 Parents and carers can withdraw their child from any aspect of Religious Education (RE), including the Daily Act of Collective Worship (DACW); they do not have to explain why.
- 5.8.2 If parents or carers are not satisfied with the handling of a request to withdraw their child from RE or the DACW, they can follow the Complaints Procedure.
- 5.8.3 The right of withdrawal does not apply to other areas of the curriculum where religious matters may be spontaneously raised by pupils or arise in other subjects such as History or Citizenship.

5.9. **General.**

5.9.1 Other bodies.

- Other agencies investigating aspects of the complaint eg the police, local authority safeguarding teams or tribunals, may;
 - impact on THLT ability to adhere to the timescales within or result in the procedure being suspended until those public bodies have completed their investigations.
- If this happens, the complainant will be informed of a proposed new timescale.

5.9.2 Legal Action.

- If a complainant commences legal action against the academy or trust in relation to a complaint, THLT will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

5.9.3 External Suppliers.

- The trust will not investigate complaints about services provided by third parties / other providers who may use academy premises or facilities.
- Such organisations will have their own complaints procedures and should be contacted directly.

Who can make a complaint?

6. The complaints procedure is not limited to parents or carers of children that are registered at THLT academies; any person, including members of the public, may make a complaint to academy or trust about any provision of facilities or services that we provide.
7. Unless complaints are dealt with under separate statutory procedures eg appeals relating to exclusions or admissions, THLT will use this complaints procedure.

Initial Resolution

8. It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage.
9. Many issues can be resolved informally, without the need to use the formal stages of the Complaints Procedure.
10. The trust and its academies;
 - 10.1. take concerns seriously and
 - 10.2. will make every effort to resolve the matter as quickly as possible.
11. Initial Approach
 - 11.1. If a complainant is experiencing difficulty discussing a concern with a particular member of staff, THLT will respect your views.
 - 11.2. In these cases, the Head will refer the complaint to another staff member.
 - 11.3. If the member of staff directly involved feels unable to deal with a concern, the Head will refer the complaint to another staff member; the member of staff may be more senior but does not have to be, the ability to consider the concern objectively and impartially is more important.
 - 11.4. THLT understands there are occasions when people would like to raise a concern formally. In this case, the academy will attempt to resolve the issue internally, through the stages outlined within the Complaints Procedure.

How to raise a concern or make a complaint

12. A concern or complaint can be made;
 - 12.1. in person,
 - 12.2. in writing or
 - 12.3. by telephone or
13. A concern or complaint may also be made by a third party acting on behalf on a complainant, as long as the appropriate consents are in place.
14. For ease of use, a template concern / complaint form is included in **Annex A**. (If you require help in completing the form, please contact the academy / trust office.)

15. In accordance with equality legislation, THLT will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure eg;
 - 15.1. assisting complainants in raising a formal complaint or
 - 15.2. holding meetings in accessible locations.

For concerns or complaints about an academy

16. General Concerns.
 - 16.1. A concern should be raised with either the class teacher / tutor / head of year (or equivalent) or Head.
 - 16.2. If the issue remains unresolved, the next step is to make a formal complaint; a complaint should be sent to the Head via school office, marked 'private and confidential'.
 - 16.3. Complainants should not approach individual governors to raise concerns or complaints,
 - 16.3.1 governors have no power to act on an individual basis and
 - 16.3.2 it may also prevent them from considering a complaint at stage 2 of the procedure.
 - 16.4. If a concern or a complaint is made directly to the trust, the complainant will be asked to complete the concern / complaint form at Annex A for submission directly to the school.

Concerns or complaints about Heads, LAB, Governors, The Trust or Trust Staff

17. A concern or complaint;
 - 17.1. about;
 - 17.1.1 a Head,
 - 17.1.2 Chair of LAB,
 - 17.1.3 Governors,
 - 17.1.4 LAB in general,
 - 17.1.5 the Trust or
 - 17.1.6 trust staff,
 - 17.2. should be sent;
 - 17.2.1 to the Trust Office, marked 'private and confidential', or
 - 17.2.2 by email to the CEO's PA PA@THLT.Academy,

Concerns or complaints about the CEO

18. Concerns or complaints about the CEO should be sent by email to The Chair of THLT; ChairofTrust@THLT.Academy.

Anonymous Complaints

19. Anonymous complaints will not be investigated, save in exceptional circumstances, as THLT is unable to respond to the complainant.

20. Exceptional circumstances would include serious concerns such as child protection issues, where the Trust;
 - 20.1. is required to involve appropriate external agencies or
 - 20.2. might conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.
21. Whistleblowing.
 - 21.1. Whistleblowing will be investigated under the trust's Whistleblowing Policy.
 - 21.2. Examples of whistleblowing complaints include (the list is indicative not exhaustive)
 - 21.2.1 a criminal offence,
 - 21.2.2 fraud,
 - 21.2.3 an employee's health and safety is in danger,
 - 21.2.4 risk or actual damage to the environment,
 - 21.2.5 a miscarriage of justice,
 - 21.2.6 the Trust is breaking the law or
 - 21.2.7 covering up wrongdoing.

Timescales

22. A complaint 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.
23. THLT will only consider complaints made outside this time frame if exceptional circumstances apply.

Complaints received outside the school term

24. THLT will consider complaints made outside the school term to have been received on the first school day after the holiday period.

Resolving complaints

25. At each stage in the procedure, the academy and wider trust wants to resolve the complaint. If appropriate, THLT will acknowledge that the complaint is upheld in whole or in part.
26. In addition, THLT may offer one or more of the following:
 - 26.1. an explanation,
 - 26.2. an admission that the situation could have been handled differently or better,
 - 26.3. an assurance that THLT will try to ensure the event complained of will not recur,
 - 26.4. an;
 - 26.4.1 explanation of the steps that have been or will be taken to help ensure that it will not happen again and
 - 26.4.2 indication of the timescales within which any changes will be made.
 - 26.5. an undertaking to review policies in light of the complaint.

26.6. an apology.

Withdrawal of a Complaint

27. If a complainant wishes to withdraw a complaint, THLT will request confirmation of this in writing.

Social Media

28. For complaints to be resolved as quickly and fairly as possible, the Trust requests the complainants do not discuss complaints publicly via social media eg Facebook and Twitter.

29. Complaints will be dealt with discretely for those involved, THLT also expects complainants to exercise discretion.

Duplicate complaints and complaint campaigns

30. If, after closing a complaint at the end of the complaints procedure, a duplicate complaint is received from someone connected to the original complainant (eg spouse, partner, grandparent or child), the new complainant will be informed that the;

30.1. complaint has been considered and

30.2. local process is complete.

31. The new complainant will be advised to contact the ESFA if they are dissatisfied with the handling of the original complaint.

32. If the school / trust receives large volumes of complaints all based on the same subject and / or from complainants unconnected with the academy / trust, THLT may address the complaints by:

32.1. sending a template response to all complainants and / or

32.2. publishing a single response on the appropriate website.

33. Such responses will advise complainants to contact the ESFA if they are dissatisfied with the handling of their complaint.

Serial, persistent and unreasonable complaints

34. Persistent Complaints.

34.1. For the purpose of this procedure, a complaint may be viewed as serial and / or persistent if it relates to the same issue that was the subject of a previous complaint (made by the same complainant);

34.1.1 which has already been through the formal complaints procedure and

34.1.2 the complainant has been notified of the outcome.

34.2. In such cases, it is likely that the complainant will be informed that;

34.2.1 the matter is now closed and

34.2.2 no further response will be provided.

35. Unreasonable Complaints.

35.1. For the purpose of this procedure, a complaint may be viewed as unreasonable if it;

35.1.1 contains threatening, abusive or offensive language and / or

- 35.1.2 conveys unrealistic outcomes beyond all reason.
- 35.2. In such cases, the Head / CEO;
 - 35.2.1 will consult with relevant parties and
 - 35.2.2 may decide that the complaint is not considered under this procedure.
- 35.3. The complainant will be notified in writing that;
 - 35.3.1 this is the case and
 - 35.3.2 no further response will be provided.
- 36. The application of a serial, persistent or unreasonable categorisation will be against the subject or complaint itself rather than the complainant; more information on handling unreasonable complaints is at Annex B.

Record keeping and Retention

- 37. A written record will be kept in all schools;
 - 37.1. of all complaints,
 - 37.2. whether they are resolved;
 - 37.2.1 following a formal procedure or
 - 37.2.2 proceed to a panel hearing and
 - 37.3. action taken as a result of those complaints (regardless of whether they are upheld).
- 38. The Head is responsible for ensuring staff consistently and accurately record all formal complaints.
- 39. It is good practice to also record concerns dealt with at stage 1 along with actions taken.
- 40. Confidentiality.
 - 40.1. All complaints will be treated as confidential.
 - 40.2. Only members of staff concerned with investigating the complaint will have access to documentation relating to the complaint.
 - 40.3. No confidential information regarding the investigation will be made available publicly.
 - 40.4. All staff subject to a complaint will be advised of the complaint made against them.
 - 40.5. All confidential information will be;
 - 40.5.1 securely maintained by the school / trust on its premises and
 - 40.5.2 handled in line with the principles of the Data Protection Act 2018.
 - 40.6. 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.

Complaints Procedure

Stage 1 – Informal complaints

41. THLT;
 - 41.1. recognises that parents / carers, pupils and others will have concerns from time to time and
 - 41.2. encourages individuals to make those concerns known to the relevant member of staff so that they can be addressed in partnership with the school / trust; for;
 - 41.2.1 parents / carers, this would normally be their child’s class teacher / tutor / head of year (or equivalent),
 - 41.2.2 other stakeholders this would normally be the Head.
42. The trust and its schools value informal meetings and telephone discussions as a way of improving its procedures and relations.
43. Complainants should not approach individual governors to raise concerns or complaints;
 - 43.1. governors have no power to act on an individual basis and
 - 43.2. it may also prevent them from considering a complaint at stage 2 of the procedure.
44. In most cases, it is anticipated that concerns will be resolved quickly. Where this is not possible and the matter is not resolved informally, parents / carers, pupils and other stakeholders may proceed with stage 2 of the formal complaints procedure.

Stage 2 : Formal complaints about the academy/academy staff

45. Formal complaints must be made to the Head (unless they are about the Head). This may be done in person or in writing, preferably on the complaint form in **Annex A**
46. If the complaint is made in person, written notes;
 - 46.1. should be made by the person receiving the complaint and
 - 46.2. if possible, countersigned by the complainant.
47. The complaint will be acknowledged within 5 school days of receipt of the written formal complaint.
48. The Head;
 - 48.1. Will;
 - 48.1.1 investigate the complaint,
 - 48.1.2 make every effort to resolve the issue and
 - 48.2. may arrange a meeting to clarify details of the complaint.
49. The Head;
 - 49.1. may delegate the investigation to another member of the senior management team but
 - 49.2. will still be responsible for the decision and response.

50. Within 15 school days of receipt of the written formal complaint, following the investigation, the Head will write to the complainant confirming the outcome of the investigation.
51. The response will also detail;
 - 51.1. any actions taken to investigate the complaint,
 - 51.2. the reasons for the decision and, if appropriate,
 - 51.3. any actions to be taken to resolve the complaint.
52. The Head's response will advise the complainant how to escalate their complaint should they remain dissatisfied with the outcome at this stage.
53. If it is not possible to complete the investigation within 15 school days, the Head will write to the complainant;
 - 53.1. explaining the delay and
 - 53.2. confirming dates;
 - 53.2.1 when the investigation will be completed and
 - 53.2.2 the written response can be expected.
54. Where a formal complaint concerns the Head or a governor, it will be referred to the CEO who will arrange an appropriate investigation under stage 1 of this procedure.

[or] Stage 2: Formal complaint about THLT Central Team

55. Formal complaints relating to the work of THLT Central Team should be directed to the CEO.
56. If the complaint is made in person, written notes;
 - 56.1. should be made and, if possible,
 - 56.2. countersigned by the complainant.
57. Upon the receipt of the completed complaints form, the CEO will identify an appropriate member of staff to investigate the complaint.
58. Where a complaint concerns the CEO or a trustee, the complaint will be referred to the Chair of the Trust.
59. Where a complaint concerns the Chair of the Trust, the Vice-Chair will arrange an appropriate investigation.
60. The complaint will be acknowledged within 5 school days of receipt of the written formal complaint.
61. The appointed person;
 - 61.1. will;
 - 61.1.1 investigate the complaint further,
 - 61.1.2 make every effort to resolve the issue and
 - 61.2. may arrange a meeting to clarify details of the complaint.

62. Within 15 school days of receipt of the written formal complaint, following the investigation, the Investigating Officer will write to the complainant confirming the outcome of the investigation.
63. The response will also detail;
 - 63.1. any actions taken to investigate the complaint,
 - 63.2. the reasons for the decision and, if appropriate,
 - 63.3. any actions to be taken to resolve the complaint.
64. The Investigating Officer's response will advise the complainant how to escalate their complaint should they remain dissatisfied with the outcome at this stage.
65. If it is not possible to complete the investigation within 15 school days, the Investigating Officer will write to the complainant;
 - 65.1. explaining the delay and
 - 65.2. confirming dates;
 - 65.2.1 when the investigation will be completed and
 - 65.2.2 the written response can be expected.

Stage 3 – Complaints Appeal Panel Hearing

66. If the complainant is dissatisfied with the outcome of stage 2 and wishes to take the matter further, the complaint may be escalated to stage 3 – a Complaints Appeal Panel (CAP); the final stage of the complaints procedure.
67. A request to escalate to stage 3 must be made to the CEO within 10 school days of receipt of the stage 2 response; requests received outside of this time frame will only be considered if exceptional circumstances apply.
68. The CEO will;
 - 68.1. acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days and
 - 68.2. ask the complainant to provide;
 - 68.2.1 details of the reason for the appeal and
 - 68.2.2 any relevant supporting evidence.
69. Once this is received, the CEO will request that the Clerk to Trust (The Clerk) to convene a complaints appeal committee meeting.
70. The Clerk will;
 - 70.1. write to the complainant to inform them of the date of the meeting and
 - 70.2. aim to convene a meeting within 20 school days of receipt of the stage 3 request.
71. If this is not possible, the Clerk will;
 - 71.1. provide an anticipated date and
 - 71.2. keep the complainant, regularly;

71.2.1 updated and

71.2.2 informed.

- 72. If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. The CAP will proceed in the complainant's absence on the basis of written submissions from both parties.
- 73. A complainant may bring someone along to the panel meeting to provide support; can be a relative or friend.
- 74. Neither side may bring legal representatives to the committee meeting.
- 75. Representatives from the media are not permitted to attend.

Membership of the Complaints Appeal Panel

- 76. The CAP panel will comprise three people with no prior connection with the complaint.
- 77. For a complaint concerning a school, two of the panel members will be drawn from;
 - 77.1. the LAB academy or, in instances where this is not possible,
 - 77.2. another LAB in THLT.
- 78. The third panel member;
 - 78.1. will be independent of the management and running of that school and
 - 78.2. must be from another LAB (or equivalent) either in or outside THLT.
- 79. For a complaint concerning the THLT;
 - 79.1. two CAP members will be drawn from the Trust Board and
 - 79.2. the third member will be independent.
- 80. For a complaint concerning the Trust Board (Chair, Vice-chair, other trustee or Trust Board itself), the panel will be entirely independent.

The remit and operation of the Complaints Appeal Panel

- 81. The aim of the CAP meeting is for the Panel to consider the complaint afresh with the aim of;
 - 81.1. resolving the complaint and
 - 81.2. achieving reconciliation between;
 - 81.2.1 the academy / trust and
 - 81.2.2 the complainant.
- 82. The panel will not consider ;
 - 82.1. any new complaints at this stage or
 - 82.2. evidence unrelated to the initial complaint.
- 83. New complaints must be dealt with from stage 1 of the procedure.
- 84. The panel meeting will be professionally clerked.
- 85. Any written material will be circulated to all parties at least 5 school days before the panel meeting by the Clerk.

- 86. The panel will not normally accept as evidence recordings of conversations that were obtained;
 - 86.1. covertly and
 - 86.2. without the informed consent of all parties being recorded.
- 87. The CAP meeting will be held in private.
- 88. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it.
- 89. Prior knowledge and consent of all parties attending must be sought before recording of meetings or conversations take place. Consent will be recorded in any minutes taken.

Decision of the Complaints Appeals Committee

- 90. After due consideration of all facts the CAP considers relevant, the CAP will reach a decision. The Committee can:
 - 90.1. uphold the complaint in whole or in part.
 - 90.2. dismiss the complaint in whole or in part.
- 91. If the complaint is upheld in whole or in part, the committee will:
 - 91.1. decide on the appropriate action to be taken to resolve the complaint and where appropriate,
 - 91.2. recommend changes to the school's systems or procedures to prevent similar issues in the future.
- 92. The complainant will be notified in writing of the committee's decision, usually with 5 school days.
- 93. The letter will;
 - 93.1. confirm;
 - 93.1.1 the committee's findings and recommendations and
 - 93.1.2 that this is the final step of the Complaints Procedure and
 - 93.2. enclose a copy of the minutes and
 - 93.3. 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.

Next Steps

- 94. After completion of Stage 3, the complainant may contact the ESFA if the complainant believes the school / trust;
 - 94.1. did not handle the complaint in accordance with the published complaints procedure or
 - 94.2. acted unlawfully or unreasonably in the exercise of their duties under education law.
- 95. The ESFA will;
 - 95.1. not normally;
 - 95.1.1 reinvestigate the substance of complaints or

- 95.1.2 overturn any decisions made by the school or trust but
- 95.2. consider whether the school or trust has;
 - 95.2.1 adhered to;
 - education legislation and
 - any statutory policies connected with the complaint and
 - 95.2.2 followed Part 7 of the Education (Independent School Standards) Regulations 2014.

96. The complainant can refer the complaint to the ESFA;

96.1. online at: www.education.gov.uk/contactus,

96.2. by telephone: 0370 000 2288 or

96.3. by writing to:

Academy Complaints and Customer Insight Unit

Education and Skills Funding Agency

Cheylesmore House

5 Quinton Road

Coventry , CV1 2WT

Policy Status

97. This policy does not form part of any employee's contract of employment.

Date: 11 Apr 23

Jonathan Davis

Trust Finance Director

Annex A. THLT Concern / Complaint Form



**Concern / Complaint Form
(CONFIDENTIAL WHEN COMPLETED)**

Your name:	
Pupil's name if appropriate:	
Your relationship to the pupil (if relevant):	
Academy Name (if applicable):	
Address:	
Email:	
Telephone Number:	
Please provide details of your complaint:	
What action, if any, have you already taken to try and resolve your complaint informally? (Who did you speak to and what was the response?)	

<p>Why does this issue remain unresolved? What actions do you feel might resolve the problem at this stage?</p>			
<p> </p>			
<p>Are you attaching any paperwork, eg previous correspondence? If so, please provide details:</p>			
<p> </p>			
<p>Signature:</p>	<p> </p>	<p>Date:</p>	<p> </p>

Please return the completed form to the school.

Annex B – Policy for Handling Unreasonable Complaints

1. Where a complainant raises an issue that has already been dealt with via the THLT Complaints Policy and Procedure, and that procedure has been exhausted, the complaint will not be reinvestigated except in exceptional circumstances eg where new evidence has come to light.
2. The Trust is committed to;
 - 2.1. dealing with all complaints fairly and impartially and
 - 2.2. providing a high quality service to those who complain.
3. The Trust will not normally limit the contact complainants have with the Trust or a school.
4. The Trust;
 - 4.1. does not expect staff to tolerate unacceptable behaviour and
 - 4.2. will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.
5. A complaint may be regarded as unreasonable when the person making the complaint;
 - 5.1. refuses to:
 - 5.1.1. articulate their complaint or
 - 5.1.2. specify the grounds of a complaint or
 - 5.1.3. the outcomes sought by raising the complaint, despite offers of assistance.
 - 5.1.4. co-operate with the complaints investigation process while still wishing their complaint to be resolved or
 - 5.1.5. accept that certain issues are not within the scope of a Complaints Procedure
or
 - 5.2. insists on the complaint being dealt with in ways which are incompatible with the Complaints Procedure or with good practice or
 - 5.3. introduces trivial or irrelevant information which the complainant expects to;
 - 5.3.1. be considered and
 - 5.3.2. commented on, or
 - 5.4. raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales or
 - 5.5. makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced or
 - 5.6. changes the basis of the complaint as the investigation proceeds or
 - 5.7. repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed) or
 - 5.8. refuses to accept the findings of the investigation into that complaint where the Trust's complaint procedure has been;

- 5.8.1. fully and properly implemented and
- 5.8.2. completed including referral to the Department for Education, or
- 5.9. seeks an unrealistic outcome or
- 5.10. makes excessive demands on Trust / school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with or
- 5.11. uses;
 - 5.11.1. threats to intimidate or
 - 5.11.2. abusive, offensive or discriminatory language or violence or
- 5.12. knowingly;
 - 5.12.1. provides falsified information or
 - 5.12.2. publishes unacceptable information on;
 - social media or
 - other public forums.
- 6. Complainants should limit the numbers of communications while a 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.
- 7. Whenever possible, the Head or senior trust member of staff will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.
- 8. If the behaviour continues the Head or senior trust member of staff will write to the complainant explaining that their behaviour is unreasonable and asking them to change it.
- 9. For complainants who excessively contact causing a significant level of disruption, the Trust may;
 - 9.1. specify methods of communication and
 - 9.2. limit the number of contacts in a communication plan.
- 10. The decision to stop responding to a specific complaint will never be taken lightly. Before the Trust or schools stop responding to a complainant who submits unreasonable complaints, the answer to all the following test questions must be 'yes'.
 - 10.1. Have all reasonable steps been taken to address the complainant's concerns?
 - 10.2. Has the complainant been given a clear statement of;
 - 10.2.1. the Trust's / Schools position and
 - 10.2.2. their options?
- 11. Does the complainant contact the Trust / school repeatedly, making substantially the same points each time?
- 12. The Trust / school will also consider the following points:

- 12.1. Are the complainant's letters, emails or telephone calls often or always abusive or aggressive?
- 12.2. Does the complainant make;
 - 12.2.1. insulting personal comments about or
 - 12.2.2. threats towards staff?
- 12.3. Does the Trust / school believe that the complainant is contacting the Trust / school with the intention of causing disruption or inconvenience?
13. The complainant will be informed in writing should the Head or senior trust member of staff determine that the Trust / school should stop responding.
14. In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include barring an individual from the trust or academy premises.

Annex C – Investigating a complaint

Introduction

1. The investigation of an allegation or a complaint should always be carried out thoroughly and responsibly, irrespective of whether the complaint appears to be trivial or serious.
2. The outcome of such an investigation will have significance for;
 - 2.1. the complainant and
 - 2.2. any member of staff against whom a complaint has been made.
3. The investigation of a complaint, including writing to the complainant confirming the outcome of the investigation, will take place within 15 school days of receipt of the written formal complaint.
4. If it is not possible to complete the investigation within 15 school days, the Investigating Officer will write to the complainant;
 - 4.1. explaining the delay and
 - 4.2. confirming dates;
 - 4.2.1. when the investigation will be completed and
 - 4.2.2. the written response can be expected.

Preparing for an investigation

5. 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 eg through an initial meeting or telephone call.
6. Any member of staff against whom a complaint has been made should be notified that;
 - 6.1. a complaint has been received and
 - 6.2. the appropriate academy procedure will be followed.
7. Whilst 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, the member of staff does need to be able to understand the nature of any allegations against them.
8. Once the complaint has been confirmed, the investigator needs to determine;
 - 8.1. who they wish to interview and
 - 8.2. what documentation they will need to review.

Conducting the investigation

9. Arrangements should be agreed so that;
 - 9.1. accurate notes can be taken of all interviews and
 - 9.2. the outcome of the investigation can be accurately recorded.
10. The complainant and member of staff subject to the complaint should be given the opportunity to;
 - 10.1. offer documentation and

- 10.2. identify potential witnesses or sources of evidence.
- 11. The member of staff should be advised that they may be accompanied by a friend or trade union representative when invited to be interviewed.
- 12. It would be inappropriate to be accompanied by someone;
 - 12.1. giving legal advice or
 - 12.2. acting in a semi-legal / legal capacity.
- 13. Where pupils 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.
- 14. Only in extreme circumstances will younger pupils be interviewed.
- 15. Any interviews should be conducted as soon as possible to;
 - 15.1. ensure that recollections are as fresh as possible and
 - 15.2. minimise the possibility that evidence will become tainted through witnesses discussing alleged incidents with other persons.
- 16. A written record must be made of any interviews.
- 17. In conducting interviews, the investigator should prepare the questions to be asked prior to the interview; these can always be supplemented during the interview.
- 18. The investigator should;
 - 18.1. allow the interviewee to answer in their own way; responses should be listened to attentively and
 - 18.2. resist any temptation to
 - 18.2.1. cut an interviewee short or
 - 18.2.2. seek to "lead" them.
- 19. The interviewee should be;
 - 19.1. given the opportunity to provide other relevant information at the end of the interview. Interviewees should and
 - 19.2. be advised that their responses must be confined to the substance of the complaint.
- 20. The investigator must resist any attempt by the interviewee to introduce;
 - 20.1. information relating to other members of staff or
 - 20.2. issues unrelated to the complaint should be resisted.
- 21. The investigator should avoid reaching conclusions or passing judgement until the investigation has been completed.

Concluding the investigation

- 22. The investigator should complete the investigation by creating;
 - 22.1. a summary report of the evidence gathered and

- 22.2. a preferred outcome for agreement.
- 23. The summary report should include the following information:
 - 23.1. a statement of the complaint / concern,
 - 23.2. a brief outline of the process that has been followed,
 - 23.3. a summary of the findings, linked to the relevant evidence,
 - 23.4. any recommendations for future action,
 - 23.5. annexes containing;
 - 23.5.1. copies of witness statements and
 - 23.5.2. other evidence collected during the investigation.
- 24. The summary report will usually be confidential to the academy / trust as it is likely to contain sensitive personal information; consideration must be given to the;
 - 24.1. Data Protection Act and
 - 24.2. Freedom of Information Act.
- 25. Following the investigation of the complaint, and within 15 school days of receiving the written formal complaint, the investigator will write to the complainant confirming the outcome of the investigation
- 26. The investigator's response will include the following information;
 - 26.1. a brief summary of the complaint / concern,
 - 26.2. a brief outline of the process that has been followed,
 - 26.3. the outcome of the investigation,
 - 26.4. the reasons for that outcome, unless confidentiality would be compromised,
 - 26.5. any recommendations for future action and
 - 26.6. information as to the next stage of the procedure in case the complainant is not satisfied with the response.

Annex D. Complaints Panel Hearings - Information for Panel Members

1. Before the Complaint Panel (CP) hearing commences, the panel will decide between themselves who will take the Chair.
2. The Chair will follow the template agenda for the procedure at the CP meeting; this is essentially:
3. Welcome all to the meeting and make introductions.
4. Explain;
 - 4.1. the;
 - 4.1.1. remit of the panel hearing and
 - 4.1.2. aim is to achieve reconciliation and resolution of the complaint and
 - 4.2. that;
 - 4.2.1. no new complaints will be heard and
 - 4.2.2. if any new complaints are raised they will be referred to stage 1 of the complaints procedure,
 - 4.2.3. each party will be given the opportunity to present their evidence and
 - 4.2.4. the panel will be able to ask questions.

Proceedings

5. The complainant will make their representations first, the investigating officer will have the opportunity to ask questions, as will the panel.
6. The school will make their representations, the complainant having the opportunity to ask questions, as will the panel.
7. The complainant will be asked what resolution they want; they may want;
 - 7.1. an apology,
 - 7.2. a chance to express their concern in person or
 - 7.3. an admission that something went wrong and was not good enough.

Note: The school can admit that a situation was poorly handled without admitting to negligence.
8. Once all representations and questions have been posed, and the panel is satisfied that sufficient information has been provided to enable them to come to a decision, the complainant / and witnesses as well as the investigating officer will be asked to leave the room so that the Complaint Panel can make their decision.
9. The Complaint Panel will consider, on the balance of probabilities, if the issues have not been agreed, whether to either:
 - 9.1. Uphold the complaint;
 - 9.1.1. in full or

- 9.1.2. in part or
- 9.2. not uphold the complaint;
 - 9.2.1. in full or
 - 9.2.2. in part.
- 10. The panel will;
 - 10.1. consider the facts which have been established and
 - 10.2. may make recommendations.
- 11. Such recommendations may be aimed;
 - 11.1. at achieving reconciliation between the parties eg a written apology or
 - 11.2. improving procedures to prevent a reoccurrence in future.
- 12. Whilst the complainant may decide that an apology is required, it is not for the CP to agree to this, rather state that this will be a recommendation(s) to the Trust / school.
- 13. Following the CP, the outcome will be confirmed in writing copying in the Trust / school.

Points of note

- 14. In advance of the meeting, all parties should have received;
 - 14.1. the complaints procedure,
 - 14.2. a copy of the original complaint,
 - 14.3. correspondence between the complainant and the school and
 - 14.4. copies of written submissions by the complainant.
- 15. The CP is independent and impartial; no person can sit on the CP if they have had a prior;
 - 15.1. involvement;
 - 15.1.1. in the matters which gave rise to the complaint,
 - 15.1.2. in dealing with the complaint in the previous stages or
 - 15.2. detailed knowledge of the complaint.
- 16. The aim of the CP is to resolve the complaint and achieve reconciliation between the school and the complainant. It has to be recognised that the complainant may not be satisfied with the outcome if the CP does not find wholly in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that their complaint has been taken seriously.
- 17. In order to gain the most information, panel members should;
 - 17.1. ask questions that are open ended and probing eg
 - 14.1.1. 'What happened on that day?'
 - 14.1.2. 'Can you tell me about?' and
 - 14.2. check understanding with questions such as 'Are you saying that ...?'

18. Panel members should create rapport and demonstrate they are listening and trying to understand with questions.
19. An effective CP 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 Chair of the CP will ensure that the CP is as welcoming as possible, while ensuring that it is procedurally fair to all parties.
20. The layout of the room will set the tone and care is needed to ensure the setting is;
 - 20.1. informal and
 - 20.2. not substantially adversarial.
21. Extra care needs to be taken when the Complainant is a child, or there are child witnesses present.
22. Care should be taken to ensure that the child does not feel intimidated.
23. The CP should be aware of the views of the child and give them equal consideration to those of the adults present.
24. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to suggest which parts of the hearing, if any, the child should attend, with the Chair retaining discretion.
25. The CP should ensure that they are familiar with the Complaints Procedure in advance of the CP Hearing.

What solutions might be offered?

26. A DfE report from 2012 called Parent's and Young People's Complaints About Schools gave examples of the most common solutions to school complaints.
 - 26.1. **An apology**
 - 26.1.1. 'An apology was made to a parent when there was a delay in communicating with the parent following an incident in school.'
 - 26.1.2. 'Where a teacher has not followed the correct procedure or practice in responding to an initial complaint a teacher and head issued an apology.'
 - 26.2. **A change to school policies or procedures**
 - 26.2.1. 'A change to lunchtime policy and procedures was made where a parent complained about their child missing lunch.'
 - 26.2.2. 'The schools introduced accident slips to inform parents of any incidents rather than relying on verbal communication.'
 - 26.3. **Staff training**
 - 26.3.1. 'Whole school behaviour training was delivered to support children who were biting following a complaint by a parent.'

- 26.3.2. 'Behaviour management at playtimes training was delivered to respond to incidents highlighted by parents.'

Financial compensation

27. Note: the DfE report says that financial remedies are not usually appropriate for school complaints.

- 27.1. 'The cost to replace a uniform which was damaged inadvertently.'

Annex E. Complaints Panel Chair’s Script

Chair’s opening remarks

Introductions

1. **Welcome.**
 - 1.1. My name is.
 - 1.2. I am the chair of this complaints panel.
 - 1.3. This is a panel made up of three governors;
 - 1.3.1. two from the school and
 - 1.3.2. one who is independent of the running of this school, from _____.
2. [xx] is instructed to clerk these proceedings.
3. I will now ask each person present to introduce themselves.
4. [xx] is / are the parent(s) / complainants
5. [xx] is representing / supporting the parent(s) / complainants (if applicable)
6. [xx] is the school Head and investigating officer (amend as appropriate)
7. Governors to introduce themselves.

Independence

8. The complaints panel will reach its decision based on the information presented at this meeting today, both written and spoken, and its decision will not be influenced by any other persons or bodies.
9. The clerk, is here only to advise on matters of procedure and not to influence our decision.
10. We may ask the clerk some procedural questions when we consider the information presented to us, and you can be assured that we will reach our decision independently.

Procedure

11. You will have received a copy of the complaints policy and procedure and the agenda that we intend to follow today. Can you confirm that you have received it?
12. The procedure is as follows:
 - 12.1. The parent /complainant will be;
 - 12.1.1. invited to present their complaint and
 - 12.1.2. outline why they are not happy with the outcome.
 - 12.2. The investigating officer and the panel may ask questions
 - 12.3. The investigating officer will;
 - 12.3.1. present their case,
 - 12.3.2. outline the;
 - investigation undertaken and
 - reasons for the outcome

- 12.4. The parent / complainant and panel may ask questions
- 12.5. The parent / complainant will be invited to outline their desired outcomes and discussion will take place of any possibilities of redress
- 12.6. **All** parties other than the panel and clerk will then leave to allow the panel to make a decision.
- 12.7. Should the panel require further information, all parties will be invited back into the meeting.
- 13. If you forget to say anything or ask questions at the right point in the procedure, don't worry I'm happy to go back to cover anything you may have missed.
- 14. I want you to feel that you have been given every opportunity to have your say.

Decision

- 15. The role of the panel is to;
 - 15.1. Review the;
 - 15.1.1. Complaint
 - 15.1.2. handling of the complaint and
 - 15.2. to decide on its recommendations including any redress measures.
- 16. The panel can make the following decisions;
 - 16.1. uphold the complaint in whole or in part,
 - 16.2. not uphold the complaint in whole or in part,
 - 16.3. decide on the appropriate action to be taken to resolve the complaint and
 - 16.4. recommend changes to systems or procedures to ensure that problems of a similar nature do not recur.
- 17. Clear minutes will be taken of this meeting as a record of the evidence that we considered; these minutes will be made available to all parties on request.
- 18. Once we have made our decision, we will inform the clerk, who will record it and then write to notify you of our decision and any recommendations.
- 19. The Clerk will write to you as soon as possible after the conclusion of this hearing.
- 20. Does anyone have any questions?
- 21. We shall now begin.

Annex F. Complaint Investigation Report

[This is a template investigation report that an investigator may adapt to suit the particular circumstances of their complaint investigation]

Investigation authorised by: [Name and role]
Investigator: [Name and role]
Date investigation began:
Terms of reference: [include if they were amended and how]
Background to the investigation: [Brief overview of the matter/issues raised by the complainant] Process of Investigation
The investigation process: [Explain how the investigation was received]
Evidence collected: [List all evidence collected]
Evidence not collected: [List all evidence that could not be collected and why]
Persons interviewed: [List all people interviewed]
Persons not interviewed: [List any witnesses that could not be interviewed and why]

Anonymised statements: [If any, explain why and provide details of any enquiries into witness]
Investigation Findings
Summary of written and physical evidence: [name and summarise each document contained, set out how the evidence supported or did not support your findings and why]
Summary of witness evidence: [name and summarise each witness statement, quote from statement where relevant, set out how the witness statement supported or did not support your findings and why]
Facts established: [detail what the investigation has established]

Facts that could not be established: [detail any part of the investigation that was inconclusive]
Mitigating factors: [detail if there were any mitigating factors uncovered that are relevant to the investigation]
Other relevant information: [detail any other information that is relevant to the matter] Conclusion
Recommendation: Upheld / Partially Upheld / Not Upheld
Further details on recommendation: [such as recommended action or improvements to be made suggested.
Investigator's signature: Date:

Annex F. Complaint Panel Report

Stage 3 Complaints Panel Report for NAME School

Date:

Time:

Location:

The complaint and desired outcomes

Provide a brief summary of the complaint and the desired outcomes stated by the complainant.

How the complaint was dealt with

The complaint was managed in accordance with the Trust's Complaints Policy

Stage 1 Complaint - informal:

Date Received:

Date Responded to:

Detail here how the informal complaint was dealt with.

Stage 2 – Formal complaint:

Date Received:

Date Acknowledged:

Date Responded to:

Investigating Officer:

Provide detail here about the investigation and findings – just a summary.

Did anything change from the informal complaint?

What actions were taken as a result of the complaint.?

What supporting evidence is there?

Recommendations

It is recommended that the stage 3 complaints panel consider all of the evidence presented in the pack and consider the cases put forward by the investigating manager and the complainant.

The panel can make the following decisions:

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 systems or procedures to ensure that problems of a similar nature do not recur.

Annexes

Annex 1 – Formal complaint letter

Annex 2 – Response to complaint

Annex 3 – list here other supporting evidence

Name:

Date:

Title:

Position in organisation (if appropriate):

Annex G. Complaint Panel Invitation Letter Template



The Hawksmoor Learning Trust
C/O Nicholas Hawksmoor Primary School
Balmoral Close
Towcester, NN12 6JA
Tel: 01327 351 466
Date:
Our Ref: [COMPLAINT REFERENCE]

NAME

ADDRESS

By email: EMAIL ADDRESS

Dear [Name of complainant(s)]

Re: Complaint Panel meeting in respect of [name of school]

I am writing to inform you that a Complaint Panel meeting has been scheduled to take place at [insert address]] at [insert time] on [insert date]. At this meeting the Complaint Panel will consider your complaint and the investigation / response undertaken by the principal.

Please confirm, as soon as possible, whether you wish to attend this meeting or, if you wish to attend but are unable to make this date, let me know at the earliest opportunity so that I can attempt to reschedule the meeting.

If you have any documents you wish to be circulated in advance of the meeting, please send them to me in advance of the meeting. Receipt (whether by post or email) must be no later than 12pm on [insert date].

Any such documents will be forwarded to the Complaint Panel and Head.

Please note that if you introduce any new documents at the meeting which have not been circulated in advance, the meeting may be adjourned to a later date.

A copy of the documentation in preparation for the meeting will be posted to you at least five school days prior to the meeting.

At the meeting, you may make representations as to why you are not satisfied with the outcome of the Stage 2 – Formal Complaint and what resolution you require.

The Complaint Panel can make the following decisions:

Uphold the complaint in whole or in part.

Not Uphold the complaint in whole or in part.

Decide on the appropriate action to be taken to resolve the complaint.

Recommend changes to systems or procedures to ensure that problems of a similar nature do not recur.

If you wish to make representations to the Complaint Panel and attend the meeting, please contact [name] on [number or email] as soon as possible. You have the right to be accompanied by a friend and / or representative. Please note that you may not be accompanied by a legal representative or anyone acting in a legal capacity.

Please let me know if you have a disability or special needs which would affect your ability to attend the meeting. Also, please inform me if it would be helpful for you to have an interpreter present at the meeting.

If you have any queries in relation to the arrangements or the documentation, please do not hesitate to contact me at [email address].

Yours sincerely

[Name]

Clerk to the Complaint Panel

Annex H. Complaint Panel Chair's Outcome Letter Template



The Hawksmoor Learning Trust
C/O Nicholas Hawksmoor Primary School
Balmoral Close
Towcester, NN12 6JA
Tel: 01327 351 466
Date:
Our Ref: [COMPLAINT REFERENCE]

CONFIDENTIAL

Parent name
Home address

Dear xxx

COMPLAINT – STAGE 3 PANEL OUTCOME

I am writing advise you of the outcome of the Stage 3 Complaint Panel held on date to consider your complaint relating to detail here

After carefully considering the representations made and all of the available evidence provided by both yourself and the Investigating Officer, the Complaints Panel concluded that Detail here of the conclusions made and the rationale.

The panel was held in accordance with the Trust's Complaints Policy and is the final stage at which the complaint will be considered by the Trust.

If you are not satisfied with the outcome of the complaints procedure, you can refer your complaint to the Education & Skills Funding Agency (ESFA). The ESFA will check whether the complaint has been dealt with properly. The ESFA will not overturn a decision about a complaint, however, it will look into whether the

Trust complied with the Complaints Procedure. For more information or to refer a complaint to the ESFA, see the following webpage: <https://www.gov.uk/complain-about-school>.

Ofsted will also consider complaints about academies. The link to Ofsted is: <https://contact.ofsted.gov.uk/online-complaints>

Yours sincerely

Name of Chair

Chair of Complaints Panel

Annex I. Complaint Panel Agenda

Stage 3 Complaint Panel Agenda

NAME School

Date:

Time:

Location:

Those present:

Panel

Chair:

Member:

Member:

In attendance:

Clerk:

Complainants:

Representing the Trust / School:

Others:

- 1. Welcome & Introductions**
- 2. Complainant to present a summary of the complaint**
- 3. Panel questions**
- 4. School questions**
- 5. Trust / school's response**
- 6. Discussion of complainant's desired outcomes or discussion of any possibilities of redress**
- 7. Closing remarks**
 - 7.1. Complainant**
 - 7.2. Trust / School**
 - 7.3. Panel**
- 8. All parties withdraw**
- 9. Panel decide on its recommendations including any redress measures**