

**Hadrian Learning Trust
Complaints Policy & Procedure**

Hadrian Learning Trust Complaints Policy and Procedure

OVERVIEW OF PROCEDURE

(a) A concern is raised or complaint received.

Actions:

- Determine whether or not this is a concern or a complaint (see 1.3, p6).
 - If a concern, seek to allay to avoid it becoming a complaint.
 - If a complaint, or a concern becomes a complaint, seek to resolve informally, in accordance with Stage 1 guidance (see 2.1, p8) – keep accurate notes, inform your line manager, try to resolve. If not resolved, move to step (b). Note: If a completed formal complaint form is received before attempted resolution at Stage 1 has been fully explored, an attempt to resolve the matter informally will be considered. If thereafter the complainant still wishes to proceed with a formal complaint at Stage 2, the date at which this is signalled will be the start of the Stage 2 process, from which timescales for action will be based, rather than from the date of receipt of the original complaint form.

(b) A complaint is not resolved within Stage 1.

Actions:

- Give the complainant a copy of the Complaints Policy and Procedure and Complaint Form.
- Give the Head of School or Executive Headteacher copies of any paperwork and notes taken to date.

(c) A Complaint Form is received by the Head of School or Executive Headteacher (or Chair or Vice Chair of the Trust Board where applicable), within Stage 2 (see 2.2, p8-10).

Actions:

- Acknowledge receipt of the complaint form and inform the Clerk to the Trust Board, within 5 working days. Appoint a member of staff as investigator (or choose to investigate directly).

(d) An investigator is appointed or the person overseeing the complaint decides to investigate directly.

Actions:

- Establish an investigation plan within 10 working days of the school receiving the completed complaint form, and convey this to the complainant.
- Investigate the complaint within 30 working days of the school receiving the completed complaint form, in accordance with guidance in 2.2, p8-10.
- Keep notes of meetings and interviews and any actions agreed, which should be forwarded to the Clerk to the Trust Board who will maintain a record of the progress of a complaint and hold these records centrally.

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- Report findings and make recommendations to the Executive Headteacher or Head of School (assuming they have not investigated directly), or to the Chair or Vice Chair of the Trust Board where applicable (assuming they have not investigated directly).

(e) The person overseeing the complaint within Stage 2 receives the report from the investigator (or, if investigating directly, is ready to make a decision).

Actions:

- Make a decision in accordance with 2.2, p8-10 and communicate this in writing to the complainant within 40 working days of the completed complaint form being received.
- Copy this to the Clerk to the Trust Board who will maintain a record of the progress of a complaint and hold these records centrally.

(f) The complainant regards their complaint as remaining unresolved despite having gone through Stage 2.

Actions:

- The complainant should write to the Clerk to the Trust Board requesting a panel hearing. In the letter, the complainant should outline the reasons why dissatisfied and what would put things right. See 2.3.1, p11. This letter must be received by the Clerk within 20 working days of the outcome at Stage 2 being communicated to the complainant, otherwise the complaint will be regarded as closed and it will not progress to a panel hearing (other than in exceptional circumstances at the discretion of the Chair or Vice Chair).

(g) The Clerk to the Trust Board receives the letter requesting a panel hearing.

Actions:

- The Clerk acknowledges receipt of the written request within 5 working days. The acknowledgement letter should explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received within 5 working days of the date of the hearing to allow adequate time for the documents to be circulated.
- The Clerk arranges the hearing within 30 working days of receiving the request for a hearing, giving all parties at least five working days' notice. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/ interpreter. The person making the case for the school has the right to bring representation if so desired. On occasion, certain circumstances may cause variation to these time scales. Any such variation will be notified to the complainant.
- The Panel convenes and conducts the hearing, in accordance with 2.3.3-2.3.5 on p11 - 13.
- The written decision of The Panel will be sent to both parties within 15 working days.
- The Clerk to the Trust Board will ensure that a copy of the findings and recommendations is available for inspection on the school premises by the proprietor and the executive head teacher.

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Hadrian Learning Trust will endeavour to resolve complaints in a timely manner and within these timescales. However, the Trust reserves the right to deviate from them in exceptional circumstances. Complainants will be notified in writing of any revised timescale.

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COMPLAINTS POLICY AND PROCEDURE

SECTION 1 – INTRODUCTION

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. The staff and Trustees of Hadrian Learning Trust will take informal concerns and complaints seriously and make every effort to resolve them as quickly as possible.

There may be occasions when a person making a complaint (the complainant) would like to raise the matter formally. In such cases, the formal procedure should be invoked as outlined below. Even when a complaint has been made, it can be resolved or withdrawn at any stage.

The handling of complaints by representatives of Hadrian Learning Trust will be aligned with legislation around complaints, including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000.

1.1 Who can make a complaint?

Any person, including members of the general public, may make a complaint about any provision of facilities or services that our schools provide, unless separate statutory procedures apply (such as exclusions or admissions). We do not limit complaints to parents or carers of children that are registered at the schools; however, complaints from members of staff should be addressed via the Grievance Procedure or Whistleblowing Policy.

1.2 Special circumstances

Any complaint or other notice that suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual interference or neglect may be referred without further authority to the appropriate agencies for the area in which the child lives. If a social services authority decides to investigate a situation, this may postpone or supersede investigation within this procedure.

In addition, this complaints procedure covers all complaints about any aspect of school provision, with the exceptions listed below for which there are separate and in some cases statutory procedures.

Exceptions:

- Admissions to schools
- Statutory assessments of Special Educational Needs (SEN)
- School re-organisation proposals
- Exclusion of children from school
- Whistleblowing
- Staff grievance and disciplinary matters

Any third party providers offering community facilities or services through the school premises must have their own complaints procedure in place. This should be highlighted during the booking procedure.

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1.3 The difference between a concern and a complaint

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

At first, it may be unclear whether a complainant is asking a question or expressing an opinion rather than making a complaint. A complainant may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further. A concern or unresolved problem becomes a complaint only when the complainant asserts that a school has acted wrongly in some significant decision, action or failure to take action.

1.4 Time period for making a complaint

Hadrian Learning Trust expects complaints to be made as soon as possible after an incident arises. The cut-off time frame for making a complaint is 90 days; however, consideration will be given to exceptions at the discretion of the Executive Headteacher or Head of School, or Chair of The Hearing Panel in the case of Stage Three complaints. Timescales for action following notification of a complaint are specified in the procedures. Hadrian Learning Trust will endeavour to resolve complaints in a timely manner and within these timescales. However, the Trust reserves the right to deviate from them in exceptional circumstances. Complainants will be notified of any required deviation.

1.5 Expectations of complainants

Hadrian Learning Trust is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening. Hadrian Learning Trust defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'. For more details on what constitutes an unreasonable complaint, please refer to Annex A.

Complainants should limit the numbers of communications with a school 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. Whenever possible, the Executive Headteacher, Head of School or Chair of the Trust Board will discuss any concerns with the complainant informally before applying an 'unreasonable' marking. If the behaviour continues, the Executive Headteacher, Head of School or Chair of the Trust Board will write to the complainant explaining that their behaviour is unreasonable, asking them to change it. For complainants who excessively contact causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months. 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. Actions taken may include banning an individual from the site.

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1.6 Vexatious complaints

If properly followed, this complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of The Hearing Panel is able to inform them in writing that the procedure has been exhausted and that the matter is now closed. Once this process has been exhausted, Hadrian Learning Trust reserves the right not to respond to the complainant about the complaint.

1.7 Complaint campaigns

Occasionally, the Trust or one of our schools may become the focus of a campaign and receive large volumes of complaints:

- all based on the same subject
- from complainants unconnected with the school

Complaints of this nature may be handled in the following ways at the discretion of the executive headteacher and/or the chair of the trust board:

- sending a template response to all complainants
- publishing a single response on the school's website

1.8 Record keeping

The Clerk to the Trust Board will ensure that a written record is kept of all complaints that are made in accordance with stage 2, the formal procedure, regardless of whether they are resolved following a formal procedure, or proceed to a panel hearing. The written record will include details of action taken by the school as a result of those complaints (regardless of whether they are upheld). 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.

1.9 Complainants who are dissatisfied with the handling of a complaint

Complainants who are not satisfied about the handling of their complaint can take the matter to the Education and Skills Funding Agency (ESFA) via their [complaints procedure](#). The ESFA can only become involved once a complainant has been through all the steps in an academy's complaints procedure, or if it can be shown that an academy is not allowing its complaints procedure to be completed.

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SECTION 2 – THE COMPLAINTS PROCEDURE

2.1 Stage 1 - Informal stage

A member of staff receiving a complaint or concern from a parent or other external agency should try to resolve the issue informally. They should keep accurate notes of all discussions, meetings and actions with details of dates and who has been involved, as these may be required if a formal complaint is pursued. They should inform their line manager.

The person raising a concern or complaint should be encouraged to state what actions they feel might resolve the problem. An admission that the school could have handled the situation better is not the same as an admission of negligence.

It may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

Stage 2 - the formal procedure - will need to be invoked when initial attempts to resolve an issue are unsuccessful and the person raising a concern remains dissatisfied and wishes to take the matter further. At this point, the complainant should be furnished with the Complaints Policy and Procedure and Complaint Form to start the procedure, and copies of paperwork and previous notes taken should be given to the Executive Headteacher or Head of School.

Should a complainant have communication preferences due to disability or learning difficulties, alternative methods of contact may be used, which are: in person, by telephone, or in writing.

Note: If a completed formal complaint form is received before attempted resolution at Stage 1 has been fully explored, an attempt to resolve the matter informally will be considered. If thereafter the complainant still wishes to proceed with a formal complaint at Stage 2, the date at which this is signalled will be the start of the Stage 2 process, from which timescales for action will be based, rather than from the date of receipt of the original complaint form.

2.2 Stage 2 - Formal procedure

On receipt of a completed complaint form, the Executive Headteacher or Head of School will acknowledge receipt of the complaint and inform the Clerk to the Trust Board within 5 working days. The Executive Headteacher or Head of School will appoint a member of staff as investigator or may choose to investigate the complaint directly.

If the complaint is about the Executive Headteacher and it cannot be resolved informally, then the complaint will go to the Chair or Vice Chair of the Trust Board, who will acknowledge receipt of the complaint and inform the Clerk to the Trust Board within 5 working days. The Chair or Vice Chair will appoint an investigator from the Trust Board or may choose to investigate the complaint directly.

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If the complaint is about the Chair, and this cannot be resolved informally, the complaint will be go to the Vice Chair, who will acknowledge receipt of the complaint and inform the Clerk to the Trust Board within 5 working days. The Vice Chair will appoint an investigator from the Trust Board or may choose to investigate the complaint directly.

If the complaint is made about a Trustee other than the Chair, and it cannot be resolved informally, then the complaint will go to the Chair or Vice Chair of the Trust Board, who will acknowledge receipt of the complaint and inform the Clerk to the Trust Board, within 5 working days. The Chair or Vice Chair will appoint an investigator from the Trust Board or may choose to investigate the complaint directly.

The investigator will establish an investigation plan within 10 working days of the school receiving the completed complaint form, which will be conveyed to the complainant. The investigator will investigate the complaint within 30 working days of the school receiving the completed complaint form.

Where further investigations are necessary, new time limits may be set, which will be sent to the complainant with an explanation for the delay.

The person investigating the complaint, should:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- establish an investigation plan outlining who will be met with or interviewed as part of the investigation, and communicate this to the complainant;
- meet with or contact the complainant if further information is necessary, clarifying what the complainant believes would put things right;
- interview those involved in the matter, allowing them to be accompanied if they wish;
- keep notes of meetings and interviews and any actions agreed, which should be forwarded to the Clerk to the Trust Board who will maintain a record of the progress of a complaint and hold these records centrally;
- report findings and make recommendations to the Executive Headteacher or Head of School (unless the Executive Headteacher or Head of School has undertaken the investigation), or to the Chair or Vice Chair of the Trust Board if the complaint has been about the Executive Headteacher (unless the Chair or Vice Chair has undertaken the investigation).

The Executive Headteacher or Head of School (or Chair or Vice Chair, if the complaint is being dealt with by one of them) will make a decision whether or not to:

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

This decision will be communicated in writing to the complainant within 40 working days of the completed complaint form being received, copied to the Clerk to the Trust Board who will maintain a record of the progress of a complaint and hold these records centrally. The letter communicating the

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outcome will inform the complainant of their right to request a panel hearing within 20 working days of the outcome being communicated, should they remain dissatisfied.

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2.3 Stage 3 - Panel Hearing

2.3.1 Requesting a panel hearing

A complainant who regards their complaint as remaining unresolved despite having gone through Stage 2, should write to the Clerk to the Trust Board requesting a panel hearing. Notification of this request must be received by the Clerk within 20 working days of the outcome at Stage 2 being communicated to the complainant. Requests for a panel hearing beyond this time will not be granted and the complaint will be regarded as closed, other than in exceptional circumstances at the discretion of the Chair of the Trust Board (or Vice Chair if the Chair was involved at Stage 2).

In their letter, the complainant should outline the reasons why they remain dissatisfied and what they feel would put things right.

2.3.2 The timeline

The following timeline will apply once a request for a panel hearing has been received within the 20 day request period:

- Acknowledgement of receipt of the written request by the Clerk to the Trust Board within 5 working days. The acknowledgement letter should explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received within 5 working days of the date of the hearing to allow adequate time for the documents to be circulated.
- Arranging of the hearing within 30 working days of receiving the request for a hearing, giving all parties at least five working days' notice. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/interpreter. The person making the case for the school has the right to bring representation if so desired. On occasion, certain circumstances may cause variation to these time scales. Any such variation will be notified to the complainant.
- The written decision of The Panel will be sent to both parties within 15 working days.

2.3.3 The Panel

The Panel will typically comprise three individuals not previously involved in the complaint: two shall be members of the Trust Board and one shall be an individual independent of the management and running of the schools. The Panel may choose their own chair.

The decision of the Hearing Panel will be final.

2.3.4 The remit of the Hearing 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;

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

2.3.5 Conducting the hearing

The aim of the meeting will be to resolve the complaint and achieve reconciliation between the Trust and the complainant. The meeting will be minuted.

In line with the recommendation in the Department for Education's [non-statutory guidance](#) to academies on setting up complaints procedures, parties at the hearing are discouraged from bringing legal representation, given that hearings are not a form of legal proceedings. If a complainant commences legal action against the school in relation to their complaint, the Trust will consider whether to suspend the complaints procedure, until those legal proceedings have concluded.

In the interests of natural justice, the introduction of previously undisclosed evidence or witnesses would be a reason to adjourn the meeting so that the other side has time to consider and respond to the new evidence.

The recommended conduct of the meeting is as follows.

- a) The Chair of the Panel will welcome the complainant, introduce the other members of The Panel and explain the procedure.
- b) The Chair of the Panel will invite the complainant to explain the complaint.
- c) The members of The Panel may question the complainant about the complaint and the reasons why it has been made.
- d) The person making the case for the school will be invited by the Chair of the Panel to question the complainant about the complaint and why it has been made.
- e) The Chair of the Panel will invite the person making the case for the school to make a statement in response to the complaint. At the discretion of the Chair of the Panel, the person making the case for the school may invite members of staff directly involved in the complaint to supplement his/her response.
- f) The Panel members may question the person making the case for the school and/or members of staff about the response to the complaint.
- g) The Chair of the Panel will allow the complainant to question the person making the case for the school and/or members of staff about the response to the complaint.
- h) Any party has the right to call witnesses, subject to the approval of the Chair of the Panel.
- i) The Panel, person making the case for the school and the complainant have the right to question any such witness.
- j) The person making the case for the school and/or members of staff will be invited by the Chair of the Panel to make a final statement.
- k) The complainant will be invited by the Chair of the Panel to make a final statement.
- l) The Chair of the Panel will explain to the complainant and the person making the case for the school that the decision of The Panel will now be considered and a written decision will be sent to both parties within 15 working days. The Chair of the Panel will then ask all parties to leave except for members of The Panel.
- m) The Panel will then consider the complaint and all the evidence presented and
 - i. reach a decision on the complaint and the reasons for it;

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- ii. decide upon the appropriate action to be taken;
 - iii. communicate the decision of The Panel in writing to both parties within 15 working days.
- n) The Clerk to the Trust Board will ensure that a copy of the findings and recommendations is available for inspection on the school premises by the proprietor and the executive head teacher.

2.4 Complaining to the Education and Skills Funding Agency

If a complaint comes to the Education and Skills Funding Agency (ESFA), they will check whether the complaint has been dealt with properly by the academy. They will consider complaints about academies that fall into any of the following three areas:

1. where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint
2. where the academy is in breach of its funding agreement with the Secretary of State
3. where an academy has failed to comply with any other legal obligation

The EFA will not overturn an academy's decision about a complaint. However, if they find an academy did not deal with a complaint properly, they will request the complaint is looked at again and procedures meet the requirements set out in the Regulations.

If the academy's complaints procedure does not meet the Regulations, they will ask the academy to put this right. They may seek to enforce the decision under the terms of the funding agreement on behalf of the Secretary of State, if appropriate.

Complainants can report a complaint to the ESFA via <https://www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure>

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Annex A Unreasonable complaints

A complaint may be regarded as unreasonable when the person making the complaint:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on 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.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.