

HOPE LEARNING COMMUNITY

Complaints policy and procedure.

Document Details	
Policy number/category	
Authorised by	Trust board
Date approved	23.04.21





Complaints Policy and Procedure

Contents:	Page No:
1. General Principles	2
2. STAGE 1: Informal Complaints or Concerns	3
3. STAGE 2: Formal Complaints	4
4. SECTION 3: Requesting a Review of the Procedure or Outcome by an Independent Complaints' Appeals Panel	6
5. SECTION 4: Review Process by an Independent Panel	7
6. SECTION 5: Managing Serial and Unreasonable Complaints	9
7. SECTION 6: Data Protection	10
8. Appendix 1 – Complaint Form	11 & 12
9. Appendix 2 – Complaint Review Request	13 & 14
10. Appendix 3 – Investigation Procedure	15
11. Appendix 4 – Flowchart of Hope Learning Community Complaints Procedure	17



General Principles:

This procedure is intended to allow you to raise a concern or complaint relating to the Hope Learning Community Trust, or a Hope Learning Community Trust School, or the services provided by them. The Hope Learning Community Trust needs to know as soon as possible if there is any cause for dissatisfaction. We recognise that a difficulty that is not resolved quickly and fairly can soon become a cause of resentment, which could be damaging to relationships and also to our trust culture.

This policy distinguishes between a concern or difficulty, which can be resolved informally, and a formal complaint which requires further investigation.

Definition of a Concern: A concern may be identified as, 'an expression of worry or doubt over an issue considered to be important, for which reassurances are sought'.

Definition of a Complaint: An expression of dissatisfaction, however made, about actions taken or a lack of action. In general, any matter being complained of, which is raised more than **three months after the event**, will not be considered. An anonymous concern or complaint will not be investigated under this procedure, unless there are exceptional circumstances.

Timeframes

Hope Learning Community Trust will endeavour to abide by the timeframes set out in each stage of this policy. However, in certain circumstances, this may not always be possible, due to the complexity of information sometimes needed when reviewing a complaint. Should this prove to be the case, the individual responsible for handling the complaint will contact the complainant and come to an agreed timeframe which works for all parties involved.

For the purposes of this policy, a 'working day' is defined as a weekday during term time when the trust schools are open. The definition of 'working day' excludes weekends, Bank Holidays and school holiday periods.

Confidentiality

In order for complaints to be resolved as quickly as possible, Hope Learning Community Trust requests that complainants do not discuss complaints publically or via social media. Complaints will be dealt with confidentially for those involved and we expect complainants to observe confidentiality also.

STAGE 1: INFORMAL COMPLAINTS AND CONCERNS

1.1 Informal Stage – Definition

The Informal Stage can relate either to concerns or complaints. It is recognised as ‘informal’ if it is dealt with and resolved at the first, or an early, point of contact. This may be within a trust school for pupil or administrative issues, or within the Hope Learning Community Trust Administrative Office (based within Market Field School) for trust related issues.

1.2 Who to Contact in the first instance

When concerns or complaints arise, it is normally appropriate for the complainant to communicate directly with the member of staff concerned. For a pupil-related matter which has arisen in a school setting, this is usually the class teacher and, for an administrative issue, the school’s office manager. For issues relating directly to the Hope Learning Community Trust itself, this will be the Trust’s clerk. Contact may be by letter, by telephone, by email or in person by appointment.

1.3 More Serious Informal Complaints and Concerns

If you consider that your complaint or concern is of a more serious nature, it may be appropriate to address it directly to the Headteacher of the school (or to the Chair of the Local Governing Body (LGB), if the complaint is about the Headteacher). If you are uncertain about who to contact, please seek advice from the respective school office or the Trust’s clerk. In cases where a concern relates directly to the Hope Learning Community Trust, please seek advice from the Trust’s Clerk.

1.4 Timeframe for the Informal Stage

Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage. The trust would expect that informal complaints or concerns be resolved within ten working days of receipt.

1.5 Records

In the case of informal complaints or concerns, file notes and correspondence will be made by the person dealing with the issue. Notes will usually contain any evidence that has been considered and the outcomes. See Section 6 – Data Protection for further information.

1.6 Unresolved Informal Complaints and Concerns

An issue which has not been resolved by informal means can be notified as a formal complaint and will move into Stage 2 below.

STAGE 2: FORMAL COMPLAINTS

2.1 Formal Stage – Definition

The formal stage relates to complaints rather than concerns. It is recognised as a ‘formal complaint’ if it is: a) A complaint or concern which remains unresolved after Stage 1 (Informal Stage); b) A complaint which needs a level of investigation beyond the minimum; c) A more serious dissatisfaction with some aspect of trust or school policy or procedure, management or administration.

2.2 When to make a Formal Complaint

Formal complaints should be made as soon as possible after the incident occurs and certainly within three calendar months, unless exceptional circumstances can be provided.

2.3 Who to Contact

A formal complaint will usually be dealt with by a third party. In the case of a school-based issue, this third party may be the Headteacher or relevant Local Governing Body(LGB). In the case of a complaint against a LGB member, this may be the Hope Learning Community Trust and in the case of a complaint relating to the Hope Learning Community Trust Central Team, this may be the CEO. You should put the complaint in writing and pass it, in a sealed envelope, to:

- The headteacher if your complaint relates to a school-based issue, including class issues, school policy or procedural issues, departmental and administrative issues;
- The chair of the relevant LGB if the complaint is about a headteacher;
- The Hope Learning Community Trust clerk if the complaint relates to a LGB issue, a Trustee or Member, or a HLC Trust procedural or administrative issue;
- The CEO if the complaint relates to a member of the Hope Learning Community Trust’s central team;
- The Chair of the Board of Trustees if the complaint relates to the CEO.

2.4 What Information to Include

You should include your full name and contact details, along with other details which might assist the recipient, such as your relationship to the school or trust, names of potential witnesses, dates and times of events, and copies of relevant documents. It is very important that you include a clear statement of the actions that you would like the school or trust to take to resolve your concern. Without this, it is much more difficult to proceed. A Complaint Form is provided to assist you at Appendix 1. In the event that the complainant has learning difficulties or a disability, other communication preferences will be made available.

2.5. Meeting

The recipient of your complaint will acknowledge receipt, **usually within five working days**. If deemed appropriate, the recipient of your complaint may invite you to a meeting to clarify your concerns and to seek a resolution. If you accept that invitation, you may be accompanied by a friend, if you wish, to assist you in explaining the nature of your concerns. It is possible that your complaint will be resolved through this meeting.

2.6 Investigation

If your complaint is not resolved through a meeting, or if a meeting is not deemed appropriate, arrangements will be made for the matter to be fully investigated, using the appropriate procedure. In any case you should learn in writing, **usually within five working days of the school or trust receiving your formal complaint**, of how the school or trust intend to proceed. This notification should include an indication of the anticipated timescale. Any investigation will begin as soon as possible and when it has been concluded, you will be informed in writing of its conclusion.

2.7 Conducting the Investigation

The receiver of the complaint may deal with the matter personally, or delegate a senior member of staff to act as 'investigating officer'. The investigating officer may contact you to request additional information and will fully investigate the issue. If contacted, it will aid the investigation if you are able to provide any further information requested as soon as possible.

2.8 Outcome

The trust's aim is to inform a complainant of the outcome of an investigation **within 15 working days of receipt of the complaint**. Please note that a complaint received during or within the three weeks before a school holiday may take longer to resolve.

2.9 Record of Complaints

Written records will be kept of any meetings, interviews and evidence held in relation to the complaint. See Section 6 – Data Protection for further information.

2.10 Staff Disciplinary or Capability Proceedings

If, at any formal stage of the complaint, it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the headteacher and/or the individual's line manager. The complainant is entitled to be informed that action is being taken and the eventual outcome of that action, but they are not entitled to participate in the proceedings or receive any detail about them.

2.11 Unresolved Formal Complaints

If, after completing Stage 2 (Formal Stage), a complainant is not satisfied with the outcome and wishes to appeal the decision made, they may have their complaint considered by an independent complaints panel in a Review of the Procedure or Outcome (Section 3).

SECTION 3: Requesting a Review of the Procedure or Outcome by an Independent Complaints' Appeals Panel

3.1 In the case of a Complaint made direct to one of the Trust's Schools

In cases where a complaint is made direct to one of the trust's schools which results in the complainant not being satisfied with the outcome, they may request that the relevant LGB reviews this. Any such request must be made in writing to the Hope Learning Community Trust Clerk, within ten working days of receiving notice of the outcome, and must include a statement specifying any perceived failures to follow the procedure and/or the reasons for dissatisfaction. The procedure described in Section 4, below, will then be followed. A Complaint Review Request form is provided for convenience at Appendix 2 and the complainant should complete this form to aid procedure and return it directly to the Hope Learning Community Trust Clerk, who will make arrangements with the relevant LGB Chair.

3.2 In the case of a Complaint made direct to one of the LGBs or the Hope Learning Community Trust itself

In cases where a complaint is made direct to one of the LGBs, or direct to the Hope Learning Community Trust itself which results in the complainant not being satisfied with the outcome, they may request an independent review by the Hope Learning Community Trust Board. Any such request must be made in writing to the Hope Learning Community Trust's Clerk, within ten working days of receiving notice of the outcome, and must include a statement specifying any perceived failures to follow the procedure and/or the reasons for dissatisfaction. The procedure described in Section 4, below, will then be followed. A Complaint Review Request form is provided for convenience at Appendix 2 and the complainant should complete this form to aid procedure and return it directly to the Hope Learning Community Trust Clerk, who will make arrangements with the Hope Learning Community Trust Board.

SECTION 4: Review Procedure by an Independent Complaints' Appeals Panel

4.1 Receipt and Acknowledgement

Upon receipt of a request to review the outcome of a complaint or a complaint procedure, an independent complaints appeals panel will be convened by the Hope Learning Community Trust's Clerk. The Clerk will respond to the request, usually within five working days of receipt, informing the complainant of the arrangements made. The Clerk will be the contact point for the complainant.

4.2 The Independent Panel

Any review of the outcome or process followed by a Trust school will be conducted by a panel of three LGB members and/or Hope Learning Community Trustees. This will **usually take place within 20 working days of receipt of the request**. Any review of the outcome or process followed by the Trust's central team will be conducted by a panel of three members of the Board of Trustees. **This will usually take place within 20 working days of receipt of the request**. This panel will consist of three Trustees who have not been directly involved in the matters detailed in the complaint, one of whom will have no direct involvement of the management and running of the individual academy or an external independent member if the complaint relates to the Trust. The panel will select its own chair.

4.3 Attending a Review Meeting

The review may be conducted through a consideration of written submissions or oral representations, as deemed appropriate by the panel. If you are asked to make oral representations, you will be invited to be accompanied by a friend or family member should you wish. Representations may also be required by the panel from the school, LGB, or Trust, as appropriate, and the Clerk will usually record the proceedings. You are welcome to attend and be accompanied even if you do not wish to make oral representations at the meeting.

4.4 The Review Procedure

The panel will first receive written and/or verbal evidence from the complainant. The panel will then invite representatives of the respective school (usually the Headteacher or the Chair of the LGB panel that has considered the matter), or the Trust's central team, as appropriate, to make a response to the complaint. This response may be by written or verbal means, as deemed appropriate by the panel. The panel may also have access to the records kept of the process followed. Following the presentation of evidence and responses made, the panel will privately convene in order to discuss the appeal and reach a satisfactory conclusion.

4.5 Evidence

All parties will be given the opportunity to submit written evidence to the panel in support of their position including documents, timelines and statements. This will be considered by the panel along with verbal representations, if deemed appropriate by the panel. All written evidence must be received by the Clerk no later than five working days in advance of the panel hearing. The Clerk will distribute evidence to all parties no later than three working days in advance of the hearing.

4.6 The Role of the Clerk

An appeals panel considering a complaint must be clerked and the Clerk would normally undertake this role. The Clerk would be the contact point for the complainant and be required to:

- Set the date, time and venue of the hearing;
- Collate and distribute written material;
- Meet and welcome parties making verbal representations as they arrive;
- Record the proceedings;
- Notify all parties of the panel's decision.

4.7 The Role of the Chair of the Panel

The Chair of the panel has a key role, ensuring that:

- The remit of the panel is explained to all parties and that all parties have an opportunity to put their case without undue interruption;
- The issues are addressed;
- Key findings of fact are made;
- Parents or others attending, who may not be used to speaking at such an event, are put at ease;
- The hearing is conducted in an informal manner and if representations are made in person, each party treats the other with respect and courtesy;
- The panel is open-minded and acting independently;
- No member of the panel has a vested interest in the outcome of the proceedings or any involvement at an earlier stage of the procedure;
- If representations are made in person, each side is given the opportunity to state their case and ask questions;
- Written material is seen by all parties;
- If a new issue arises, all parties have the opportunity to consider and comment on it.

4.8 The Remit of the Panel

The panel can:

- Dismiss the complaint in whole or in part;
- Uphold the complaint in whole or in part;
- Decide on the appropriate action to be taken to resolve the complaint;
- Recommend changes to the Trust and/or school systems or procedures to ensure that problems of a similar nature do not recur.

The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the Trust and/or school and the complainant. The panel Chair will ensure that the proceedings are as informal as possible whilst still adhering to due process.

4.9 Outcome

The complainant and the school and/or Trust representative(s), will be informed in writing of the outcome, usually within five working days of the panel meeting. The panel's decision is final. The matter will then be closed as far as the Trust and/or school is concerned. If you believe that the Hope Learning Community Trust has acted illegally or arbitrarily in handling the complaint, then you may make representations to the ESFA (Education & Skills Funding Agency) via the [online form](#).

SECTION 5: Managing Serial and Unreasonable Complaints

Hope Learning Community 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 our Trust schools. 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.

Hope Learning Community Trust defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the Trust or school, such as, if the complainant:

- 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
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- 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 Trust'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 Trust and/or school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the Trust and/or school that relates to their complaint, while the 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 Headteacher or Local Governing Body Chair will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the Trust and/or school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from the Trust/Trust Schools.

6. Data Protection

A written record of all meetings conducted under this procedure will be made, either by the person holding the meeting or by an alternative person arranged by the Trust and/or school to take notes.

The Trust and/or school processes any personal data collected during the complaints procedure in accordance with its data protection policy. Any data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the complaints procedure.

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 109 of the 2008 Education and Skills Act requests access to them.

On the conclusion of the procedure, data collected will be held in accordance with the Trust's retention schedule. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Trust's data protection policy immediately

APPENDIX ONE – COMPLAINT FORM

Please complete this form and return it to the Headteacher (or Hope Learning Community Trust clerk), who will acknowledge its receipt and inform you of the next stage of the procedure. *You may continue on a separate piece of paper, or attach separate documents, as needed.*

Your Name:

This complaint relates to

..... School
or the Hope Learning Community Trust (please cross out if not appropriate)

Pupil's name (if relevant to complaint) and year group:

Your address:

Daytime telephone number:

Evening telephone number:

Please give concise details about your complaint, (including dates, names of witnesses etc), to allow the matter to be fully investigated.

What action, if any, have you already taken to try to resolve your complaint? (who have you spoken with and what was the outcome)

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

Signature.....
Date:.....

School/Trust use

Date form received:

Received by:

Acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:

Date:



APPENDIX TWO – COMPLAINT REVIEW REQUEST FORM

Please complete this form and return it to the Hope Learning Community clerk **clerktothegovernors@marketfield.essex.sch.uk** who will acknowledge its receipt and inform you of the next stage of the procedure. *You may continue on a separate piece of paper, or attach separate documents, as needed.*

Your Name:

Your address:

Daytime telephone number:

Evening telephone number:

Dear Sir/Madam,

I submitted a formal complaint toSchool/Hope Learning Community Trust and am dissatisfied with the procedure that has been followed/the outcome.

My complaint was submitted on and I received a response:

from.....

on.....

I have attached copies of my formal complaint and of the response(s) from the school/trust. I am dissatisfied because:

You may continue on a separate piece of paper, or attach additional documents, if you wish.

Number of additional pages attached:

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



Signature Date
.....

School/Trust use:

Date form received:

Received by:

Acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:

Date:



APPENDIX 3: Investigation Procedure

The investigation of an allegation or a complaint is always carried out thoroughly and responsibly, irrespective of the nature of the complaint. Any anonymous complaint will not be investigated, unless there are exceptional circumstances. These would include serious concerns such as Child Protection issues or bullying allegations, where the school may either involve appropriate external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.

Preparing for an Investigation

Where a school or the Trust receives a formal complaint, it will 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 will be confirmed with the complainant. E.g. through an initial meeting, or by telephone. 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, will be notified that a complaint has been received and that the Hope Learning Community Trust Complaints procedure 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 needs to be able to understand the nature of any allegations against them.

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

Conducting the investigation

The investigation will be carried out in accordance with the provisions of this Complaints Procedure. Arrangements will be agreed so that accurate notes can be taken of all interviews and the outcome of the investigation will be accurately recorded.

The complainant will be given the opportunity to offer documentation and to identify potential witnesses or sources of evidence. The member of staff subject to the complaint will 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 will be exercised over their involvement. Pupils will 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 will 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 will prepare the questions to be asked prior to the interview. These can always be supplemented during the interview. The investigator will allow the interviewee to answer in their own way. Their responses will be listened to attentively. Any temptation to cut an interviewee short or to seek to 'lead' them will be resisted. The interviewee will be given the opportunity to provide other relevant information at the end of the interview.

Interviewees will, 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.

Concluding the investigation

Reaching a conclusion of the investigation will result in the investigator providing a written report. The report may contain:

- a brief outline of the process that has been followed;
- a statement of the complaint or 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 and/or Trust, as it is likely to contain sensitive personal information. If a request is received to release the report, under either the Data Protection Act, GDPR or Freedom of Information, the school and/or Trust will seek legal advice.

A summary of the process undertaken and the outcome of the investigation may be provided to the complainant. 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 to do. Wherever possible, recommendations will be constructive and not punitive.

The complainant will be advised that he or she may, if they are not satisfied that the appropriate procedure has been followed, request a review of that process by the LGB and/or Trust Board, as appropriate.

APPENDIX 4

Flowchart of the Hope Learning Community Trust Complaints Procedure

