Hollingworth Learning Trust

HOLLINGWORTH LEARNING TRUST COMPLAINTS PROCEDURES

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1 Introduction & Aims

1.1 The aim of this policy is to resolve complaints or concerns about Hollingworth Learning Trust (the "Trust"), any academy within the Trust or any individual connected with the Trust, in a fair, thorough, and transparent way. The Trust takes complaints seriously and views them as a chance to learn and improve for the future.

1.2 Anyone can make a complaint, though a different process applies depending on whether the person raising the complaint is a parent /carer of a current pupil at an academy within the Trust, or other persons. Parents of a current pupil should refer to Section 6. Concerns or complaints from other persons will be dealt with in accordance with Section 7.

1.3 Please note that complaints about matters where an alternative complaints or appeal process exists will not be generally dealt with under this policy. These and all other matters for which this procedure does not apply to, are set out in Section 4.

1.4 Anonymous concerns or complaints will not normally be investigated under this procedure. The Headteacher or Chair of Governors of an academy, or the Chief Executive Officer (CEO), as appropriate, will determine whether there are exceptional circumstances to justify conducting an investigation into the issues raised.

1.5 In this procedure:

- '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.
- 'meeting' means an in person or virtual meeting (i.e. telephone or video conference where all parties can participate verbally). Virtual meetings will only be held in the event that all parties have access to appropriate equipment to attend.
- 'parent' means a parent, carer, or anyone with legal responsibility for a child.
- 'school days' excludes weekends, academy holidays and periods of partial or total academy closure.
- 'Trust' means Hollingworth Learning Trust.

1.6 When responding to complaints we aim to:

- be impartial and non-adversarial.
- facilitate a full and fair investigation by an independent person or panel, where necessary.
- address all the points at issue and provide an effective and prompt response.
- treat complainants with respect and courtesy.
- make sure any decisions we make are lawful, rational, reasonable, fair, and proportionate, in line with the principles of administrative law.
- keep complainants informed of the progress of the complaints process.
- consider how the complaint can feed into academy and trust improvement evaluation processes.

1.7 The timeframes referred to in this policy are our usual timeframes. The Trust and its academies will seek to adhere to these timeframes where possible.

1.8 Requests for reasonable adjustments to the process set out within this document will be considered to ensure that complainants can access and complete the process.

2 Key Principles

2.1 The Trust expects all complainants to make reasonable attempts to seek an informal resolution to any matter of concern or complaint raised.

2.2 The Trust encourages parents and others to approach the academy with any concerns and refrain from airing concerns about the academy and its staff on social media sites. Posting negative comments on social media can cause damage and upset and is often counter-productive to pupils' education.

2.3 Where concerns are aired on social media, the Trust may take steps to request that complainants remove this and/or the Trust may advise the complainant that the complaints procedures are paused pending the removal of such online matters. Police and legal services may be used where defamatory, false, or unfounded information is shared online.

2.4 We expect our members of staff to be addressed in a respectful manner and for communication to remain calm at all times. Where complaints are deemed repetitious and/or vexatious, or complaints are pursued in an otherwise unreasonable manner, they will be dealt with under Section 10 of this document.

2.5 Concerns or complaints should be brought to our attention as soon as possible. Any matter raised more than 3 months after the incident being complained of or, where a series of associated incidents have occurred, within 3 months of the last of these incidents, will not be considered unless the Headteacher/Chair of Governors of an academy/CEO accepts that there are good reasons to explain the delay, or the complaint is about a particularly serious matter.

2.6 Where a complaint is received outside of term time, we will consider it to have been received on the first school day following the holiday period.

2.7 On rare occasions an academy or the Trust may receive complaints from a number of individuals relating to the same issue. To deal with these complaints efficiently the academy/Trust will follow the procedure set out in Section 10 of this document.

2.8 If it becomes necessary to alter the time limits and deadlines set out within this procedure, the complainant will be advised accordingly, given an explanation as to why this has been the case, and provided with revised timescales. If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or tribunals/courts, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

2.9 Where a complaint is raised but we do not have clarity from the complainant on the issues and/or desired outcomes, we will inform the complainant what information we need to progress the complaint and pause this procedure until reasonable clarity is achieved.

2.10 Where the academy/trust seek further information/clarification from a complainant or invite the complainant to a meeting, and they fail to respond, the academy/trust will either:

- Where possible, respond to the complaint using the information already received within **25** school days of the complaint being received.

or

- Write to the complainant to confirm that where a response is not received within **25** school days, the academy/trust will consider the complaint to have been withdrawn.

The complainant can resubmit their complaint as long as it meets the timescales set in 2.5. The Headteacher or Chair of Governors of an academy, or the Chief Executive Officer (CEO), as appropriate, will determine whether there are exceptional circumstances to justify conducting an investigation into the issues raised.

2.11 Complainants should not approach individual governors or trustees to raise concerns or complaints. They have no power to act on an individual basis and it may prevent them from considering complaints at later stages.

2.12 If a complainant commences legal action against the Trust in relation to their complaint, we will consider whether it would be appropriate to suspend the complaints procedure until those legal proceedings have concluded.

2.13 If a complainant wishes to withdraw their complaint, we will ask them to confirm this in writing.

3 Legislation

This document meets the requirements set out in part 7 of the Schedule to the Education (Independent School Standards) Regulations 2014, which states that we must have and make available a written procedure to deal with complaints from parents of pupils in our trust.
It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on creating a complaints procedure that complies with the above regulations and refers to good practice guidance on setting up complaints procedures from the Department for Education (DfE).
This policy complies with our Funding Agreement and Articles of Association.
In addition, it addresses duties set out in the Early Years Foundation Stage statutory framework with regards to dealing with complaints about the Trust's fulfilment of Early Years Foundation Stage (EYFS) requirements.

4 Complaints that will not be considered under this policy

4.1 This procedure does not apply to concerns and complaints relating to the matters set out in the table below as these areas have their own appeal and complaints process. Where a complaint will be reviewed under a different process, the complainant will be informed. Complaints may be raised under this policy about staff conduct, however, such complaints will be dealt with under the Trusts disciplinary procedures, if appropriate, and the complainant will not be informed of any disciplinary action taken as a result.

4.2 **Matters excluded from the scope of this policy:**

Excluded Matter	Route for Raising a concern
Admissions	The process for challenging admissions decisions is set out in the academy's Admissions Policy in accordance with relevant statutory guidance.
Child protection & Safeguarding matters	Complaints about child protection and safeguarding matters are handled under the relevant academy's safeguarding policy and in accordance with relevant statutory guidance.

	Persons who have serious concerns may wish to contact the Designated Safeguarding Lead at the academy or submit a direct referral to the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).
Exclusions	The process for challenging suspensions and exclusion decisions is set out in the DfE's statutory guidance and information can be found at: School suspensions and permanent exclusions - GOV.UK (www.gov.uk)
Data Protection /FOIA	Complaints regarding Data Protection or Freedom of Information should be submitted to the Information Commissioners Officer https://ico.org.uk/
Staff Grievances	Complaints from staff will be dealt with under the Trust's internal grievance procedures.
Staff Conduct	Certain complaints about staff may need to be dealt with under the academy's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
Statutory assessments of Special Educational Needs (SEN)	Concerns about statutory assessments of special educational needs should be raised directly with the local authority.
Third Party Contractors or suppliers	Third party contractors/suppliers should have their own complaints procedure to deal with complaints about their service. Complainants should contact them directly. Where a complaint is related to a safeguarding concern, it should be reported via the academy's Designated Safeguarding Lead as detailed within the academy Safeguarding Policy.
Whistleblowing	The Trust have an internal whistleblowing procedure for all employees, including temporary staff and contractors. 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 direct with their employer. Referrals can be made at: www.education.gov.uk/contactus Volunteer staff who have concerns about the academy should complain through the Trust's Complaints Procedure. Complaints may also be submitted directly to the LA or the Department for Education (see link above), depending on the substance of the complaint.

5 Roles and Responsibilities

5.1 **The complainant**

The complainant will receive a more effective and timely response if they:

- follow these procedures set out in this document.
- co-operate with the academy or the Trust throughout the process and respond to deadlines and communication promptly.
- ask for assistance as needed.
- treat all those involved with respect.
- do not publish details about the complaint on social media. Posting negative comments on social media can cause damage and upset and is often counter-productive to pupils education and resolving issues or complaints.

5.2 **The role of the Headteacher or person investigating is:**

- to ensure that the complainant is fully updated at each stage of the procedure.
- to ensure that the correct procedure has been followed.
- to ensure that an investigation is carried out, and a report compiled.
- to meet the complainant, if appropriate.
- if the complaint is being referred to Stage 3, notify the Clerk of The Trustees to arrange the Complaints Committee.

5.3 **The role of the complaint's person within the academy is:**

- to support Headteacher/person investigating the complaint with the administration of complaints in the academy at Stage 1 and 2 of the complaint's procedures.
- to keep the complainant up to date at each stage of the procedure.
- ensure the process runs smoothly by liaising with relevant staff, including the Headteacher, Chair of Governors, Clerk to Governors and Trust Central Services staff.
- To keep an up-to-date log of complaints.
- This role is normally completed by the PA to the Headteacher or Clerk to Governors.

5.4 **The role of the Clerk to Trustees**

The Clerk of The Trustees is the contact point for the complainant and the Complaints Committee at Stage 3, and should:

- ensure that the complainant is fully updated at each stage of the procedure.
- liaise with staff, Headteacher, the Chief Executive Officer, Chair of Governors of the academy, Chair of the Complaints Panel, and Chair of The Trust Board (as applicable) to ensure the smooth running of the complaint's procedure.
- be mindful of the timescales to respond to complaints.
- ensure that all people involved in the complaints procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR).
- liaising with the complainant in advance of the panel meeting, to ensure that they understand the meeting format and what their role will be in the meeting on the day.
- ensure that the Complaints Committee has access to legal advice, where appropriate.
- set the date, time and venue of the meeting, taking reasonable steps to find a date that is convenient to all parties and that the venue and proceedings are accessible.

- collate any written material relevant to the complaint (for example: Stage 1/2 paperwork, academy and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale.
- minute the meeting.
- notify all parties of the Complaint Committee's decision.
- assist the academy/Trust in issuing a summary letter to the complainant.

5.5 **The role of the Chair of the Complaints Panel**

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

- the meeting is conducted in an informal manner, is not adversarial, and that everyone is treated with respect and courtesy.
- complainants who may not be used to speaking at such a meeting are put at ease.
- the remit of the Complaints Committee is explained to the complainant.
- the written material is seen by everyone in attendance (provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR).
- key findings of fact are made, and that any issues not previously mentioned in writing should not be raised at the meeting and, if they are mentioned at the meeting, these should not be noted or considered by the Complaints Committee.
- both the complainant and the academy/Trust are given the opportunity to make their case, and seek clarity, either through written submissions ahead of the meeting, or verbally in the meeting itself.
- the Complaints Committee is open-minded, acts independently and no committee member has an external interest in the outcome or any involvement in an earlier stage of the procedure.
- the meeting is minuted.

6 Complaints Procedure for Parents

6.1 Stage 1: Informal Concerns

6.1.1 Any matter of concern or complaint should be raised, and attempted to be resolved, on an informal basis. Generally, it is expected that where the matter relates to a pupil it will have been raised with the pupil's class teacher (primary schools) or form tutor and head of year (secondary schools). Most enquiries and concerns can be dealt with satisfactorily by the class teacher, form tutor, head of year, or other members of staff, without the need to resort to the formal procedure. We value informal meetings and discussions and encourage parents to approach staff with any concerns they may have. We aim to resolve all issues with open dialogue and mutual understanding before a request is made to deal with it under the formal stages of this policy.

6.1.2 It is always helpful if you can fully explain the nature of the concern and identify the outcome you are looking for. Where appropriate, you may be invited to an informal meeting with the member of staff most appropriate for dealing with that concern. The member of staff dealing with the concern will make sure that you are clear on what action (if any) has been agreed. This may be put in writing if appropriate.

6.1.3 If the matter is brought to the attention of the Headteacher they may decide to deal with your concerns directly at this stage. If the concerns are about the Headteacher these should be referred directly to the CEO in the first instance, who will, if an informal resolution

cannot be reached, designate a member of the local governing board to investigate the complaint as per Stage 2 of these Complaint's Procedures.

6.1.4 The academy will respect the views of a parent who indicates that they would have difficulty discussing a concern with a particular member of staff. In this case, the Headteacher will refer the parent to another designated member of staff. Similarly, if the member of staff directly involved in the circumstances leading to the concern feels too compromised to deal with it, the Headteacher may consider referring the parent to another member of staff. The member of staff may be more senior, but this is not essential.

6.1.5 Staff members should inform the academy's complaints person of significant informal concerns so that these can be recorded on the academy's Complaints Log. Staff members should inform the Headteacher of any serious concerns raised/received.

6.1.6 There is no suggested timescale for resolution at this stage given the importance of dialogue through informal discussion, although it would be expected that most issues will be resolved within **15** school days. Where no satisfactory solution has been found, you will be advised that if you wish your concerns to be considered further you should write to the Headteacher under Stage 2 of this procedure within **10** school days. The concern or complaint should be raised with the academy or Trust within **3 months** of the incident or, where a series of associated incidents have occurred, within **3 months** of the last of these incidents. Complaints made outside of this time frame may not be considered unless exceptional circumstances apply. The academy or Trust will seek to resolve matters at the informal stage within **15** school days of the issue being raised by the parent. Where the matter is not resolved at the informal stage, it may be progressed to the formal stage as set out below.

6.2 Stage 2: Formal Written Complaints

6.2.1 If a parent's concerns are not resolved under Stage 1, they are entitled to put their complaint in writing to the Headteacher of the relevant academy.

6.2.2 Stage 2 complaints must be set out in writing. We strongly encourage parents to use the form available at **Appendix 1** as it is important we understand what your concerns are and how they can be resolved. Complaints should be submitted within **10** school days of the Stage 1 response and addressed to the Headteacher of the academy (unless the complaint relates to the Headteacher, in which case please refer to Section 9 headed 'Complaints against specific role-holders'). The complaint should set out briefly:

- the grounds of the complaint.
- details of how the matter has been dealt with so far.
- the names of potential witnesses, dates and times of events and copies of all relevant documents.
- what it is that the parent considers should have been done or where the academy or Trust has not met reasonable expectation.
- a clear statement of the actions or outcome sought.

6.2.3 The complaint will usually be acknowledged within **5** school days of receipt.

6.2.4 An investigation will be carried out by a nominated individual identified by the Headteacher or Chair of the Local Governing Body as appropriate.

6.2.5 If appropriate the investigator may offer the parent a meeting to clarify their complaint and explore possible resolutions. Parents are entitled to be accompanied by one other person, such as friend, relative or interpreter. Whenever reasonably possible, any meeting with the parent will take place within **15** school days of the written complaint being received.

6.2.6 The investigator will speak to others involved, such as pupils or members of staff.

6.2.7 Once the relevant facts have been established as far as possible, the investigator will put their findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within **15** school days of any meeting with the parent; if no meeting is arranged it will be within **25** school days of the written complaint being received.

6.2.8 Where the parent remains dissatisfied (e.g. the outcome of the investigation and actions put in place by the academy/Trust do not resolve the matter to an extent that is acceptable to the complainant), they may request the complaint is escalated to Stage 3 of this procedure.

6.3 Stage 3: Referral to the Complaints Committee

6.3.1 If a parent's concerns are not resolved under Stage 2, they are entitled to request that their complaint is escalated to Stage 3. To request a Stage 3 referral to the Complaints Committee, the parent must set out their complaint in writing, stating where they remain dissatisfied, and the outcome sought. This must be lodged with the Clerk to The Trustees within **10** school days of the Stage 2 response. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

6.3.2 The Clerk to The Trustees will acknowledge the Stage 3 complaint within **5** school days of receipt and will convene a Complaints Panel.

6.3.3 The Complaints Panel will principally consider how the complaint was handled at the previous stages but has discretion to review other aspects of the complaint as it sees fit. The Complaints Committee will not review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 1 of these procedures.

6.3.4 The Complaints Panel must comprise of at least three people, which will include one person who is independent of the management and running of the Trust.

6.3.5 The Complaints Panel may include, but is not limited to, one or more persons from the following categories:

(i) a member of the Local Governing Body of the academy where the complaint emanated from (with no prior involvement in the matter).
(ii) a member of a Local Governing Body from another academy within the Trust.
(iii) a member of the Board of Trustees from the Trust; and/or
(iv) a member of a Local Governing Body or Trustee of another academy trust.

6.3.6 None of the members of the Complaints Panel will have been directly involved in the matters detailed in the complaint.

6.3.7 The independent panel member may be a member of a Local Governing Body from another academy within the Trust as long as they have no conflict and no prior knowledge of the complaint.

6.3.8 The Clerk will invite the academy to put in writing its response to the Stage 3 complaint within **15** school days of receiving the request.

6.3.9 Whether or not the academy has responded, the Clerk will convene a meeting of the Complaints Panel. That meeting will be held on academy premises as quickly as

practicable given the need to find a date that is reasonably convenient for the parent, the academy, and the members of the Complaints Panel. Whenever possible, the meeting will be held within **15** school days of the end of the academy's response time. The meeting date, time and location will be confirmed to all parties at least **10** school days in advance.

6.3.10 If, despite best efforts, it is not possible to find a mutually convenient date and time for a hearing within a reasonable timeframe, the Clerk may determine that the hearing proceeds on the basis of written submissions from both parties.

6.3.11 Virtual meetings may be considered where a face-to-face meeting cannot be accommodated. This will be on a case-by-case basis. Virtual meetings will only be held in the event that all parties have access to appropriate equipment to attend.

6.3.12 A copy of the complaint and any other documents provided by the parent in support of their complaint, or by the academy representative in defence of the complaint, will be provided to the Complaints Committee as soon as practicable upon receipt. Copies of these documents shall also be provided to the academy representative (as applicable) and the complainant at least ***5*** school days before the hearing.

6.3.13 The Complaints Panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

6.3.14 The Complaints Committee reserves the right not to consider any documentation presented by either party less than **5** school days prior to the hearing.

6.3.15 The meeting is not a court case, it will be held in private, and will be as informal as circumstances allow. For this reason, electronic recordings of meetings or conversations are not permitted unless a parent's disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before the recording of the meeting takes place. Consent will be recorded in any minutes taken.

6.3.16 The meeting will be conducted to ensure each party has the opportunity to address the Complaints Panel. The procedure to be followed during the hearing will be explained to the parties by letter in advance of the hearing. The Clerk will ensure that sufficient notes are taken to record an accurate reflection of the points considered, any decisions taken or actions agreed.

6.3.17 The full procedure of the Stage 3 panel meeting can be found in **Appendix 2** and a copy of this, along with the conduct of the meeting, will be included in the meeting correspondence shared with parents, the academy representative and the panel committee prior to the meeting.

6.3.18 The panel will be supported by the Clerk to Trustees during the panel meeting. In complex cases, e.g. where support is required regarding legislation, a panel advisor may be appointed in addition to support the panel. This will be on a case-by-case basis. The advisor will act in a non-voting capacity. The Clerk and or Complaints Committee reserves the right to modify the above procedure at their sole discretion, for example requiring the parent and the academy representative to present their complaint/actions separately to the Complaints Committee in the absence of the other party.

6.3.19 Within the procedure, the parent will have the opportunity to put forward their reasons for dissatisfaction and to enlarge on them but may not introduce reasons that were not previously put in writing. The parent and the academy/Trust will have the opportunity to put forward their respective version and views of events and each side, and the Complaints Panel members will be able to ask questions. The parent will have the opportunity to make final comments to the Complaints Panel.

6.3.20 After the hearing, the Complaints Panel may make findings and recommendations and a copy of those findings and recommendations will be:

(i) sent by electronic mail or otherwise provided in writing to the parent and, where relevant, the academy or person complained about; and
(ii) available for inspection on the academy premises by the Trust, the Headteacher and the CEO.

6.3.21 The Complaints Panel will formulate its response as quickly as reasonably possible, aiming to do so within **10** school days, and the Clerk will notify all concerned.

6.3.22 At any meeting, the parent will be entitled to bring a companion along to provide support, such as friend, relative or interpreter. A companion is there to accompany a complainant, not to represent or advocate for them. Current or previous students of the academy are not entitled to attend the panel meeting as a companion to the complainant.

6.3.23 Legal representation will only be permitted in exceptional circumstances.

6.3.24 If the parent fails to attend the Complaints Panel meeting on the day without compelling reasons, the Complaints Panel will proceed in their absence and the process will continue to its conclusion. Any further attempt to re-open the matter will be considered as falling under the "Serial or persistent complainants" detailed in Section 10.

6.3.25 After the hearing, the Complaints Committee will consider their decision and inform the parent and, where relevant, the person complained about, of their decision in writing within **10** school days. The letter will set out the decision of the committee together with the reasons underpinning that decision. The committee can (by a majority if necessary):

- 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 academy or trust systems or procedures to ensure that problems of a similar nature do not happen again.

7 Complaints Procedure for those who are not parents of a current pupil.

The Trust and its academies wish to work closely with other members of the local community. This section applies to complaints raised by those who are not parents of current pupils.

7.1 **Stage 1: Informal Concerns**

Complainants should first attempt to address their complaints with the relevant academy or the Trust, as appropriate, informally by raising the matter with a member of the academy or trust staff.

The complaint should be raised within 3 months of the incident, or where a series of associated incidents have occurred, within 3 months of the last incident.

The academy or Trust, depending on the nature of the complaint, will seek to resolve matters at the informal stage within **15** school days of the issue being raised.

7.2 **Stage 2: Formal Resolution**

Where a concern is not resolved under Stage 1, the complaint can be elevated to stage 2. The complaint must be submitted in writing within **10** school days of the Stage 1 response. We strongly encourage the use of the form available at **Appendix 1**. The complaint should be addressed to the Headteacher (unless the complaint relates to the Headteacher, in which case please refer to Section 9 headed 'Complaints against specific role-holders').
The complaint will be acknowledged within **5** school days of receipt.

An investigation will be carried out by a nominated individual identified by the Headteacher or Chair of the Local Governing Body as appropriate.
A formal response will be sent within **15** days of the complaint being received.

7.3 **Stage 3: Governance Review**
Where a complainant is not satisfied by the response at Stage 2, they may request a review by writing to the Clerk of the Local Governing Board of the academy. This should be submitted in writing within **10** school days of the Stage 2 response. Requests received outside this timeframe will only be considered if exceptional circumstances apply.
The Clerk will arrange for a governor to consider the matter alone or may refer the matter to the Clerk of Trustees to convene a Complaints Panel on the same terms as set out in Section 6 of these Complaints Procedures.
The complaint will be acknowledged within **5** school days of receipt and will confirm the governance review taking place.
The response at this stage will be sent to the complainant within **15** school days of receipt of the request for review, or within **10** days of the Complaints Panel review (as applicable).

8 Department for Education

Once the complaints process is concluded at Stage 3, or a complaint has been terminated due to undue delay or failure to lodge a request for the Stage 3 Complaints Panel/Governance Review, within the time stated in the policy, the matter is closed.

If the complainant remains dissatisfied with the decision of the Complaints Committee or Governance Review, they are entitled to refer their complaint to the Education and Skills Funding Agency (ESFA). The ESFA cannot change an academy's decision about a complaint. Their role is to make sure the academy has handled the complaint properly and in accordance with education legislation and any statutory policies connected with the complaint.

The ESFA will not normally consider complaints received over 12 months after a decision or the academy's last action.

At the time of writing this procedure, details about the ESFA procedure and the ESFA academy complaints form are available at:
How ESFA handles complaints about academies - GOV.UK (www.gov.uk)

Or you can write to the ESFA at the following address:
Academy Complaints and Customer Insight Unit
Education and Skills Funding Agency
Cheylesmore House
5 Quinton Road
Coventry
CV1 2WT

9 Complaints against specific post-holders

9.1 **Complaints against the Headteacher**

Any complaint relating to the Headteacher of the academy must be raised in the first instance with the CEO who will, if an informal resolution cannot be reached, designate a member of the Local Governing Board to investigate the complaint as per Stage 2 of these Complaint's Procedures.

9.2 **Complaints against the Local Governing Board**

Where a complaint is brought against a member of the Local Governing Body, it should be raised with the Chair of the Local Governing Body who will investigate the complaint or appoint another member of the Local Governing Body to do so, in the same way as in the first stage of the formal process at Stage 2.

If the complaint is against the Chair of the Local Governing Body, then the Vice Chair of the Local Governing Body will investigate the complaint or appoint another member of the Local Governing Body to do so, in the same way as in the first stage of the formal process at Stage 2.

In exceptional circumstances the Chair of Trustees may, at their absolute discretion, determine that a complaint against a member of the Local Governing Body, or the Local Governing Body as whole, should be dealt with at Trust Board level and if so determined the Chair of Trustees will oversee Stage 2.

9.3 **Complaints against individual Trustees / Board of Trustees**

If the complaint is against a Trustee, then it should be raised with the Chair of Trustees by writing to the Clerk to the Board of Trustees. In the case of a complaint against the either Chair or the Board of Trustees as a whole, then it should be put in writing to the Clerk to the Board of Trustees who will refer it to the Members.

In such cases the Chair of Trustees or the Members will investigate the complaint or appoint an appropriate person to do so in the same way as in the first stage of the formal process at Stage 2.

9.4 **Complaints against the CEO or Central Service Team**

If the complaint is against a member of Central Service Team, then it should be raised with the CEO, who will investigate the complaint, or appoint another member of the Board of Trustees to do so, in the same way as the first stage of the formal process at Stage 2.

If the complaint is against the CEO, then it should be raised with the Chair of Trustees, who will investigate the complaint, or appoint another member of the Board of Trustees to do so, in the same way as the first stage of the formal process at Stage 2.

10 Complaint Campaigns, Serial or Persistent Complaints, Vexatious Complaints or Complaints pursued in an unreasonable manner.

There are rare circumstances where the Trust will deviate from the Complaints Procedures set out in Section 6 and Section 7. These include but are not limited to:

10.1 **Complaint Campaigns**

Where the academy/Trust receives a number of complaints all based on a similar subject which in its reasonable opinion may be deemed a 'complaint campaign', it will deal with the complaints in the following way:

- individual responses will not be sent to complainants in such cases. Instead, either a template response will be sent to all complainants, or a single response will be published on the academy/Trust's website at the discretion of the Headteacher, CEO or Chair of Trustees.
- Where the complaint campaign involves complainants who are parents, they will be entitled to escalate the complaint to a panel hearing if they are dissatisfied with the academy/Trust's response. The academy/Trust will consider how best to manage panel hearings in such circumstances.

10.2 **Serial or Persistent Complaints**

If at any level a complainant or connected party attempts to reopen an issue or a closely related issue that has already been dealt with under this complaints procedure, the Chair of Trustees may write to the complainant to inform them that the procedure has been exhausted and the matter closed

, that continued correspondence on the same matter is vexatious and that the Trust will not respond to any further correspondence on this issue or a closely related issue.

10.3 **Vexatious Complaints**

The Office of the Independent Adjudicator defines the characteristics of a 'frivolous' or 'vexatious' complaint as:

- complaints which are obsessive, persistent, harassing, prolific or repetitious.
- insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
- insistence upon pursuing meritorious complaints in an unreasonable manner.
- complaints which are designed to cause disruption or annoyance.
- demands for redress that lack any serious purpose or value.

Examples include but are not limited to:

- refusal to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- refusal to co-operate with the complaint's investigation process.
- refusal to accept that certain issues are not within the scope of the complaint's procedure.
- insistence on the complaint being dealt with in ways which are incompatible with the complaint's procedure or with good practice.
- introduces trivial or irrelevant information which they expect to be taken into account and commented on.
- raising large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales.
- making 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

- seeking an unrealistic outcome, such as the inappropriate dismissal of staff.
- making excessive demands on school time by frequent, lengthy, and complicated contact with staff regarding the complaint either in person, in writing, by email or 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
- publishing unacceptable information on social media or other public forums.

In such cases the Chair of Trustees may write to the complainant to inform them that the complaint is deemed to be vexatious and that the Trust will not respond to any further correspondence on this issue or a closely related issue.

10.4 **Complaints pursued in an otherwise unreasonable manner**

Aggressive, abusive, offensive, discriminatory, threatening or insulting personal comments made about, or threats made towards, staff, governors, trustees, or members are not acceptable. If it is deemed a complainant is unreasonable, the CEO or Chair of Trustees may:

- inform the complainant that the manner in which they are pursuing their complaint to be unreasonable, explain why, and ask them to desist.
- refuse to consider the complaint any further and refer the complainant directly to the Department for Education.
- restrict the complainant's access to the academy, e.g. requesting contact in a particular form (for example, letters only), requiring contact to take place with a named person only, or barring the complainant from the academy's premises.
- where the complainant's behaviour is so extreme that it threatens the immediate safety and welfare of staff, governors, trustees or members, other options will be considered, - for example, reporting the matter to the police or taking legal action. In such cases, prior warning of that action may not be given the complainant.

10.5 Managing serial and unreasonable complaints

HLT 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 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.

Complainants should try to limit their communication with the 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/CEO or Chair of Governors/Trustees 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 HLT 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 our trust sites.

11 Record Keeping

A written record will be kept of all complaints that reach the formal stage, whether they are resolved following Stage 2, or proceed to a panel hearing, Stage 3, and any action taken by the school as a result, regardless of whether they are upheld.

Complaint records will be maintained securely and in line with the Trust Information Records Management Policy. Complaint records will be managed securely by:

- At academies: The PA to the Headteacher
- At the Trust Central Office: The Clerk to The Trustees

Correspondence, statements, and records relating to individual complaints will be kept confidential except where:

- Access is requested by the Secretary of State.
- Disclosure is required in the course of an academy inspections.
- An individual has a legal right to access their own personal data contained within such documentation.
- A request is made under other legal authority.

Findings of the Complaints Committee will be made available for inspection on academy premises by The Trust and Headteacher.

12 Training

To ensure all those involved with complaints understand their role and responsibility in relation to the procedures, complaints training will be made available to relevant staff, governors, and trustees. Training will take place online.

13 Policy Review

The Hollingworth Learning Trust Complaints Procedures will be reviewed annually to ensure its continuing suitability, adequacy, and effectiveness. The procedures will be reviewed by the CEO and COO and approved annually by The Trustees.

The completed policy will be published on The Trust and Academies websites.

14 Links with other Policies

Policies dealing with other forms of complaints include:

- Safeguarding Policy and Child Protection procedures
- Admissions Policy
- Suspension and Exclusions Policy
- Staff Grievance Procedures
- Staff Disciplinary Procedures
- Special Education Needs Policy and Report

15 APPENDICIES

Appendix 1: Complaints Form

HOLLINGWORTH LEARNING TRUST
COMPLAINTS FORM

This form should be completed to raise a formal complaint only after a matter has been raised informally under Section 6 or Section 7 of the Complaints Procedures, and you are not satisfied with the response.

YOUR DETAILS	
Name	
Email	
Address	
If applicable: **Name of Pupil, Year groups and your relationship to them.**	
COMPLAINT DETAILS	
Academy Name *(if complaint related to a specific academy)*	
Grounds of the Complaint	
What steps have been taken to resolve the complaint informally? *(including details of who the matter was raised with, when and what solution was offered).*	

Why have the steps taken so far failed to resolve the complaint? ***(including what you consider should have been done/where the Academy or Trust has not met reasonable expectations in its response)***	
OUTCOME SOUGHT	
What action would you like taken to resolve this matter?	

Signed: _____

Date: _____

Please send completed forms to one of the following email addresses:

Heap Bridge: office@heapbridge.rochdale.sch.uk

Hollingworth Academy: info@hollingworthacademy.co.uk

Lowerplace: office@lowerplace.rochdale.sch.uk

Newhouse Academy: office@newhouseacademy.co.uk

Hollingworth Learning Trust: info@hltrust.co.uk

Alternatively, paper copies can be posted to, or handed in at the academy's reception in a sealed envelope marked for the attention of the relevant addressee. Generally, for complaints about a specific academy, this should be addressed to the Headteacher, for complaints about the Trust, this should be addressed to the Clerk of Trustees. *(For further information regarding complaints about specific role holders, please refer to Section 8 of the Complaints Procedures)*.

For Office Use:

Date Received		*By:*	
Date Acknowledgement Sent		*By:*	
Date Response Sent:		*By:*	
Investigating Staff Member:			

Appendix 2: Procedure of Meeting

Hollingworth Learning Trust

HOLLINGWORTH LEARNING TRUST
COMPLAINTS PANEL MEETING

PROCEDURE OF THE MEETING: Notes for Panel & Attendees

- The meeting is not a court case, it will be held in private, and will be as informal as circumstances allow. Electronic recordings of the meeting or conversations are not permitted unless a complainant's own disability or special needs require it (which must be declared in advance).
- The complainant will have the opportunity to put forward their reasons for dissatisfaction and to enlarge on them, but they may not introduce reasons that were not previously put in writing.
- The Complaints Panel will not accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

1. ALL PARTIES WILL JOIN THE MEETING AT THE SAME TIME:
The Chair will thank everyone for attending and complete introductions:

The Trustees/Local Governors
The Independent Panel Member
Clerk to Trustees/Panel
The Panel Advisor
Any other members of staff present
Anyone else present at the meeting

2. THE PURPOSE OF THIS MEETING IS TO:

- Consider all complaints made at Stage 3.
- The Complaints Panel may make findings and recommendations.

3. THE PROCEDURE TO BE FOLLOWED TODAY WILL BE:

1. The parent/complainant will have the opportunity to put forward their reasons for dissatisfaction and to enlarge on them.
2. The academy/Trust will be given the opportunity to ask any questions.
3. The panel members may then ask the parent/ complainant questions to clarify any of the issues raised.
4. The Chair will ask the academy/Trust to present their response and information in relation to the complaints, the investigations that have taken place, and the reasons for the outcomes.
5. The parent/ complainant will then have the opportunity to ask questions regarding the academy's response.
6. The members of the panel may then ask questions of the academy/Trust.

4. THE CHAIR WILL INVITE THE ACADEMY/TRUST TO SUM UP

5. THE CHAIR WILL INVITE THE PARENT/COMPLAINANT TO SUM UP

6. CLOSURE OF MEETING:

- Once the chair is satisfied that all parties have completed their presentation, they will close the meeting. All parties will be told that the panel will consider the information and will be asked to leave. Only the members of the panel, the panel advisor and the Clerk will remain.

- The Complaints Panel, under the guidance of the Chair, will consider all the information they have heard and may make findings and recommendations. A copy of those findings and recommendations will be:
  (i) Sent by electronic mail or otherwise given to the Complainant and, where relevant, the person complained about; and
  (ii) Available for inspection on the academy premises by the Trust, the Headteacher and the Chief Executive Officer.

- The Complaints Panel will formulate its response as quickly as reasonably possible, aiming to do so within **10** school days, and the Panel Advisor/ Clerk will notify all concerned.

Appendix 3: Complaints Timescales

Complaints Timescales

A concern or complaint should be raised with the academy or Trust within **3 months** of the incident or, where a series of associated incidents have occurred, within **3 months** of the last of these incidents.

Days	Stage 1: Informal complaint
15	It is expected that the academy will respond to the complaint or concern within **15** school days of the issue being raised.
	Escalation to Stage 2
10	If a parent remains dissatisfied at the response from stage 1, they must submit a formal complaint within **10** school days to escalate to Stage 2.
	Stage 2: Formal Complaint
5	The Academy will acknowledge receipt of the complaint within **5** days of the complaint being received
15	If a meeting is required, this must be organised within **15** days of the complaint being received
15 - 25	The outcome of the complaint will be sent to the parent within **15** days of the meeting. If no meeting has taken place, the outcome will be sent within **25** school days of the complaint being received.
	Escalation to Stage 3
10	If a parent remains dissatisfied at the response from stage 2, they must submit a Stage 3 complaint to escalate their complaint to the Complaints Panel. Their Stage 3 complaint must set out in writing where they remain dissatisfied and the outcome sought. This must be lodged with the Clerk to The Trustees within **10** school days of the Stage 2 response.
	Stage 3: Complaints Panel
5	The Clerk to The Trustees will acknowledge the Stage 3 complaint within **5** school days
15	The Clerk will invite the Academy to put in writing its response to the Stage 3 complaint within **15** school days of receiving the request.
15	Whenever possible, the complaints panel will be held within **15** school days of the end of the Academy's response time.
10	The panel date, time and location will be confirmed to all parties at least **10** school days in advance of the meeting.
5	Copies of the complaints pack will be provided to the complaints panel, the complainant and the academy representative, at least **5** school days before the panel hearing.
5	The Complaints Committee reserves the right not to consider any documentation presented by either party less than **5** school days prior to the hearing.
10	Following the Complaints panel, the panel will formulate its response as quickly as reasonably possible, aiming to do so within **10** school days, notifying all concerned.

Appendix 4: Complaints Flowchart

(Where this document refers to days, these are school days)

