



The Hill Trust

THE HILL TRUST COMPLAINTS POLICY

Review Deadline: September 2022

Author: Head/HR

Reviewer: Board of Directors

Audience: School website, Staff share, Governor's website.

“The Academy” refers to each individual academy within the Hill Trust.

“Head teacher” refers to each Head teacher of individual Academies within the Hill Trust.

PROCEDURE ON THE HANDLING OF CONCERNS AND COMPLAINTS

This policy applies to all concerns and complaints other than:

- Child Protection issues and
- Exclusions where separate procedures apply.

This policy complies with Schedule 1, Part 7 of the Education (Independent School Standards) (England) Regulations 2014.

Timescales

We aim to resolve any complaints in a timely manner. Timescales for each stage of the Complaints Procedure are set out below in the relevant paragraphs. For the purposes of this policy, a "working day" is defined as a weekday during term time, when the Academy is open. The definition of "working day" excludes weekends and Bank Holidays.

Policy Aim and Statement

Aim

The aim of this policy is to ensure that a concern or complaint by a parent/carer is managed sympathetically, efficiently and at the appropriate level and resolved as soon as possible. Doing so is good practice, it is fair to those concerned and it helps to promote parents' and students' confidence in our ability to safeguard and promote welfare. We will try to resolve every concern or complaint in a positive way and in a transparent manner. This policy is readily available on the Academy Website and from the Academy Office.

The Hill Trust expects that most concerns can be resolved informally and guarantees to treat seriously and confidentially all concerns whether raised informally or formally.

Statement

The Board of Directors need 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 Academy culture. We intend that parents/carers and students should never feel – or be made to feel – that a concern or a complaint will be taken amiss or will adversely affect a student or his/her opportunities at the Academy. The policy, however, distinguishes between a concern or difficulty which can be resolved informally and a formal complaint which will require further investigation.

Stage 1: Informal Concerns

1. Concerns

Most concerns, where a parent/carer seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Examples might include dissatisfaction about some aspect of teaching, disciplinary matters or issues outside the classroom. This also applies to parents of children with Special Educational Needs (SEN), where the complaint relates to these needs.

Parents/carers should raise the concern initially with the Class Teacher or the Headteacher of the Academy concerned as appropriate. In the case of parents of children with SEN, the concern can also be raised with the SENCo of the Academy concerned. The Academy will do their very best to ensure that informal concerns reach a form of resolution within 10 working days of being raised.

2. Unresolved concerns

A concern, which has not been resolved to the satisfaction of the person raising the concern, by informal means within ten working days from the receipt of the concern, may be notified by such a person as a formal complaint in accordance with Stage 2 below.

3. Record of concerns

In the case of concerns raised under Stage 1 of this procedure, the only record of the concern and its resolution will be file notes by the person dealing with the concern and/or file correspondence between the person raising the concern and the respondent.

Stage 2: Formal Complaints

1. Notification

An unresolved concern under Stage 1, or a Formal Complaint which needs investigation¹, or a more serious dissatisfaction with some aspect of the Academy's or Trust's policies, procedures, management or administration should be set out in writing, using Annex B below, with full details and sent with all relevant documents and full contact details for the attention of the Headteacher of the Academy concerned or the Chair of the Board of Directors, as appropriate (complaints regarding the Headteacher should go to the Chair of the Board of Directors – all others go to the Headteacher). Should a formal written complaint be received by another member of the Academy's/Trust's staff, this should be immediately passed to the Headteacher of the Academy concerned or Chair of the Board of Directors as appropriate.

Where the complaint relates to a child with SEN, which has previously been unresolved despite the involvement of the SENCo, the complaint should be addressed to the SEN Governor of the Academy and the Headteacher.

It is reasonable to expect parents/carers to make a complaint as soon as possible (usually within 3 months) after an incident arises but there may be good reasons why a parent/carer has not made a complaint earlier (e.g. they were gathering further information to support their complaint or they were not fully aware of the implications of an incident until a later date), in which case a judgement by the appropriate deciding authority will be made as to whether to accept such an "out of time" complaint.

¹ The level and type of investigation required will be determined by the Receiving Authority.

2. Acknowledgement

The complaint will be acknowledged in writing normally within 3 working days of receipt during term time and as soon as practicable during the holidays. The acknowledgement will indicate the action that is being taken and the likely timescale for resolution.

3. Investigation and resolution

The Headteacher of the Academy concerned² may deal with the matter personally or delegate a senior member of staff to act as “investigating officer.” The “investigating officer” may request additional information from the complainant and will fully investigate the issue. In most cases the Headteacher of the Academy concerned or investigating officer will meet or speak with the parent/carer to discuss the matter. The SEN Governor of the Academy concerned will also be involved at this stage, in the case of complaints made relating to SEN children.

4. Outcome

The aim is to inform any complainant of the outcome of an investigation and the resolution to the complaint within 15 working days³ from the receipt of the complaint.

5. Record of complaints

Written records will be kept of any meetings and interviews held in relation to the complaint.

6. Unresolved Complaints

Where the complainant is not satisfied with the Academy’s response to their complaint they may have their complaint considered by an Independent Complaints Panel.

Stage 3 – Complaint Heard by the Independent Complaints Panel

1. Request

A request for a complaint to be heard by a Complaints Panel (hereafter referred to as an appeal) must be made in writing to the Clerk of Directors at the Hill Trust and within ten working days of the date of the Academy decision made at Stage 2.

2. Acknowledgement

Where an appeal is received, the Clerk, who will now act as Clerk to the Independent Complaints Panel, will acknowledge, in writing, receipt of the appeal within three working days and inform the complainant of the steps involved in the process. The Clerk will be the contact point for the complainant.

² Or the Chair of Board of Directors if the Complaint is about the Headteacher.

³ In accordance with “Timescales” at page 1 above.

3. Appeal Panel Hearing

The Clerk will aim to convene an Appeal Panel hearing as soon as possible, normally no later than 20 working days after receipt of the Stage 3 request.

4. Appeal Panel Membership

The Appeal Panel will consist of two Directors on the Board of Directors who have not previously been involved in the complaint.

5. The Remit of the Appeal Panel

The Panel can:

- dismiss the complaint in whole or in part.
- uphold the complaint in whole or in part⁴.
- decide on the appropriate action to be taken to resolve the complaint.
- recommend changes to the Academy's 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 academy and the complainant. The panel chair will ensure that the proceedings are as informal as possible.

6. Attendance

The following are entitled to attend a hearing, submit written evidence and address the Panel;

- the parents/carers and/or one representative
- the Headteacher and/or one representative
- any other person who the Appeals Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision making

7. Evidence

All parties will be given the opportunity to submit written evidence to the Panel in support of their position including:

- documents
- chronology and key dates
- written statements setting out further detail

The evidence will be considered by the Panel along with the initial submission.

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 the evidence to all parties no later than three working days in advance of the Panel Hearing.

⁴ Providing that the original Complaint is capable of resolution within the powers of the Trust.

8. Roles and Responsibilities

The Role of the Clerk:

All Appeal Panels will be clerked. The clerk will be the contact point for the complainant and be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible
- collate any written material and send it to the parties in advance of the hearing
- meet and welcome the parties as they arrive at the hearing
- record the proceedings
- notify all parties of the Panel's decisions

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 the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents or others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating 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 in an earlier stage of the procedure;
- each party is given the opportunity to state their case and ask questions;
- written material, pertinent to the original complaint and the subsequent handling of it, is seen by all parties with the opportunity to provide written comment. Material relating to issues not pertinent to the original complaint⁵ will not be admissible and will be dealt with in accordance with Stage 1 or 2 above in the first instance.

9. Decision

The Panel will reach a decision, and make any recommendations within ten (10) working days of the hearing. The decision reached is final.

10. Notification of the Panel's Decision

⁵ In the opinion of the Chair of the Appeals Panel.

The Panel's findings will be sent, in writing, by the Clerk, to the parents/carers, the Directors and the Headteacher and where relevant, to the person complained about. The letter will state the reasons for the decision reached and any recommendations made by the Panel.

11. Record Keeping

The Academy concerned will keep a record of all appeals, decisions and recommendations of the Complaints Panel.

12. Vexatious Complaints

If properly followed, a good 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. Please see Annex D and E for further details of how such complaints will be dealt with and examples of behaviour, which will not be tolerated.

13. The role of The Education and Skills Funding Agency (ESFA)

Parents/carers that are not satisfied about the handling of their complaint may refer it to the ESFA. The ESFA can support The Hill Trust to achieve a compliant procedure but it is the responsibility of The Hill Trust to make sure that the complaints procedure is fully compliant. The ESFA is responsible for ensuring that we comply with our funding agreements.

If a complaint comes to the ESFA they will check whether the complaint has been dealt with properly by the Trust. They will consider complaints about academies/trusts that fall into any of the following three areas:

- a. Where there is undue delay or the academy/trust did not comply with its own complaints procedure when considering a complaint.
- b. Where an academy is in breach of its funding agreement with the Secretary of State.
- c. Where an academy/trust has failed to comply with any other legal obligation.

The ESFA will not overturn an academy/trust's decision about a complaint. However, if they find an academy/trust 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.

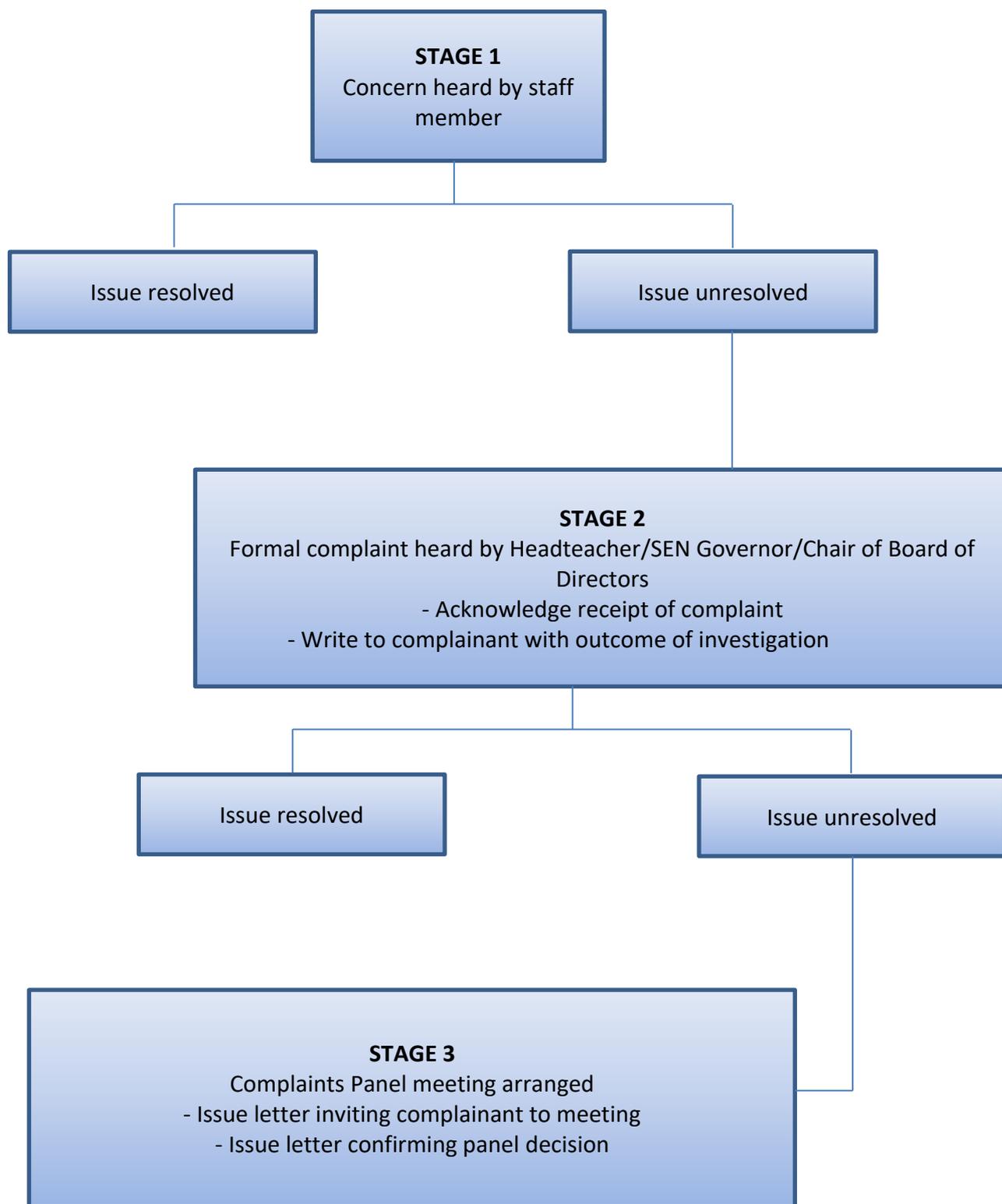
If the academy's/trust's complaints procedure does not meet the regulations, they will ask the academy/trust to put this right. The ESFA may seek to enforce the decision under the terms of the funding agreement on behalf of the Secretary of State, if appropriate.

Appendices

- A. Summary of Dealing with Complaints.
- B. Complaint Form
- C. Unacceptable Behaviour.
- D. Unreasonably Persistent Complaints.

Appendix A: Summary of dealing with complaints

If a formal complaint is made, Stage 2 of the process is automatically invoked.



Appendix B: Complaint Form

THE HILL TRUST - COMPLAINT FORM



The Hill Trust

Please complete and return to the Headteacher of the Academy or Chair of the Board of Directors of The Hill Trust who will acknowledge receipt and explain the complaints process.

Academy Name:.....

Your Name:

Pupil's name:

Your relationship to the pupil (if relevant):

.....

Address:

.....

Telephone number (day):

Telephone number (evening):

Please give brief details of your complaint

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What action, if any, have you already taken to try to resolve your complaint? (Who did you speak to and what was their response?)

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

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Are you attaching any paperwork? If so, please give details

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Signature : (Complainant) Date:

Appendix C: Policy On Unacceptable Behaviour

The Board of Directors recognises that it is the last resort for complainants. They also have a duty to ensure the safety and welfare of pupils, parents and staff.

The Board of Directors is committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who make them. As part of this service it would not normally limit the contact complainants have. However the Board of Directors does not expect the Trust's staff to tolerate behaviour by complainants, which is unacceptable, for example, which is abusive, offensive, or threatening, and it will take action to protect staff from that behaviour. This applies to unacceptable behaviour on any part of the Academy's/Trust's premises.

If the Headteacher considers that a complainant's behaviour is unacceptable the complainant will be told why their behaviour is deemed to be unreasonable and will be asked to change it. If the unacceptable behaviour continues the Headteacher will take action to restrict the complainant's contact with the academy.

Unacceptable actions and behaviours

These are some of the actions and behaviours of unreasonable and unreasonably persistent complainants which academies often find problematic. It is by no means an exhaustive list and local factors may vary, but these are examples that frequently come to our attention.

- foul and abusive language towards staff, other parents and pupils
- behaviour that staff consider to be harassing and intimidating, including in person, over the telephone, or any other type of communication
- undermining academy/trust policies by actively encouraging pupils to ignore staff requests
- making unnecessarily excessive demands on the time and resources of staff, by for example excessive telephoning or sending emails to numerous staff, writing lengthy complex letters every few days and expecting immediate responses
- combinations of some or all of these.

The decision to restrict access to the academy will be taken by the Headteacher.

Any restrictions imposed will be appropriate and proportionate. The options most likely to be considered are:

- requesting contact in a particular form (for example, letters only);
- requiring contact to take place with a named member of staff;
- restricting telephone calls to specified days and times; and/or
- asking the complainant to enter into an agreement about their conduct.

In all cases we will write to tell the complainant why we believe his or her behaviour is unacceptable, what action we are taking and the duration of that action.

Where a complainant continues to behave in a way which is unacceptable, we may decide to terminate contact with that complainant and discontinue any investigation into their complaint. However the Board of

Directors will seek to limit any detriment to any pupils who attend the academy, as far as is reasonable within these circumstances e.g. access to parents evenings, newsletters, and any other correspondence.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of the trust's staff, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

Appendix D: Policy on Unreasonably Persistent Complainants

The Board of Directors recognises that it is the last resort for complainants. It is also accountable for the proper use of public money and must ensure that that money is spent wisely and achieves value for complainants and the wider public.

The Board of Directors is committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who make them. As part of this service it does not normally limit the contact complainants have with the academy.

However there are a small number of complainants who, because of their frequent contact with the academy, hinder consideration of their or other people's, complaints. Such complainants are referred to as 'unreasonably persistent complainants' and, exceptionally, the Headteacher will take action to limit their contact with the academy.

Actions and behaviours of unreasonable and unreasonably persistent complainants

These are some of the actions and behaviours of unreasonable and unreasonably persistent complainants. It is by no means an exhaustive list and factors may vary, but they are examples that may come to our attention.

- refusing to specify the grounds of a complaint, despite offers of assistance with this from the Trust's staff.
- refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure's scope.
- insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- making what appear to be groundless complaints about the staff dealing with the complaints, and seeking to have them replaced.
- changing the basis of the complaint as the investigation proceeds and/or denying statements he or she made at an earlier stage.
- introducing new information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed questions which are particularly time consuming and costly to respond to and insisting they are all fully answered.
- electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.
- adopting a 'scattergun' approach: pursuing a complaint or complaints with the academy/trust and, at the same time, with a Member of Parliament/a councillor/the authority's independent auditor/the Local Authority/local police/solicitors/the Ombudsman/OFSTED.
- making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being looked into, by for example excessive telephoning or sending emails to numerous academy staff, writing lengthy complex letters every few days and expecting immediate responses.

- submitting repeat complaints, after complaints processes have been completed, essentially about the same issues, with additions/variations which the complainant insists make these 'new' complaints which should be put through the full complaints procedure.
- refusing to accept the decision – repeatedly arguing the point and complaining about the decision.
- combinations of some or all of these.

The decision to restrict access to the Academy will be taken by the Headteacher and will normally follow a prior warning to the complainant. Any restrictions imposed will be appropriate and proportionate. The options we are most likely to consider are:

- requesting contact in a particular form (for example, letters only);
- requiring contact to take place with a named member of staff;
- restricting telephone calls to specified days and times; and/or
- asking the complainant to enter into an agreement about their future contacts with us.

In all cases where we decide to treat someone as an unreasonably persistent complainant, we will write to tell the complainant why we believe his or her behaviour falls into that category, what action we are taking and the duration of that action. We will also tell them how they can challenge the decision if they disagree with it. If we decide to carry on treating someone as an unreasonably persistent complainant and we are still investigating their complaint six months later, we will carry out a review and decide if restrictions will continue.

Where a complainant whose case is closed persists in communicating with us about it, we may decide to terminate contact with that complainant. In such cases, we will read all correspondence from that complainant, but unless there is fresh evidence which affects our decision on the complaint we will simply acknowledge it or place it on the file with no acknowledgement.

New complaints from people who have come under the unreasonably persistent complainant's policy will be treated on their merits.

Appendix E - Standard of fluency complaints

As members of a public authority, all staff are subject to the fluency duty imposed by the Immigration Act 2016, which requires staff members to have an appropriate level of fluency in English in order to teach pupils.

The Trust is free to determine the level of spoken communication necessary in order for staff members to develop effective performance, but it will be matched to the demands of the role in question.

The Trust will be satisfied that an individual has the necessary level of fluency appropriate for the role they will be undertaking, whether this is an existing or potential new member of staff.

If a member of the Trust community feels that a staff member has insufficient proficiency in spoken English for the performance of their role, they are required to follow the complaints procedure outlined in this policy.

For the purpose of this policy, a **“legitimate complaint”** is one which is about the standard of spoken English of a member of staff; complaints regarding an individual’s accent, dialect, manner or tone of communication are not considered legitimate complaints.

All legitimate complaints regarding the fluency duty will be handled in line with the processes outlined in this policy.

In addition to the processes outlined in this policy, the Trust will assess the merits of a legitimate complaint against the necessary standard of spoken English fluency required for the role in question.

To assess the merits, the Trust will undertake an objective assessment against clear criteria set out in the role specification or, against the level of fluency descriptors relevant to the role in question.

If the complaint is upheld, the Trust will consider what action is necessary to meet the fluency duty; this may include:

- Specific training
- Specific re-training
- Assessment
- Re-deployment
- Dismissal

Appropriate support will be provided to staff to ensure that they are protected from vexatious complaints and are not subjected to unnecessary fluency testing.

Records of complaints regarding fluency will be kept in accordance with the processes outlined in this policy.