



# Complaints Policy and Procedure for: Hill Top Academy



<b>Responsible Directors</b>	<b>Board of Directors</b>
<b>Responsible Governing Board</b>	<b>Full Governing Board</b>
<b>Responsible Persons</b>	<b>CEO and COO</b>
<b>Date of last review</b>	<b>September 2021</b>
<b>Review Date</b>	<b>September 2022</b>



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## Version control

Version	Revision Date	Revised by	Section Revised
New policy	April 2020		New policy
Version 2	September 2021	Andy Hibbitt	<ul style="list-style-type: none"> <li>• Spelling on page 3 and page 4</li> <li>• Updated clerk to Governance Professional throughout</li> <li>• Highlighted in red, where academies must put their name</li> <li>• Reference made to complaints form within this policy and procedure</li> </ul>



			<ul style="list-style-type: none"><li>• Updates made to timescales to ensure it captures when the complainant becomes evidentially aware of an incident, if the incident occurred outside of the three-month period</li><li>• Updates made to if a complainant commences legal action against the academy that the procedure will continue but may be suspended until legal proceedings are finalised.</li><li>• Updated to reflect any face to face meeting with the Principal /Headteacher at stage 1 will follow the procedure</li><li>• Addition to stage 1 procedure –the investigator will provide a copy of the minutes from any meetings with the complainant to ensure the complainant is able to review them and confirm they are a fair and true reflection.</li><li>• Clarification added to Formal complaints process if the complaint is about or involves the Principal/Headteacher or member of the governing board</li><li>• Defined stage 1 and stage 2 process depending upon who the complaint is about or involves.</li></ul>
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### Who can make a complaint?

This Complaints Policy and Procedure is not limited to parents or carers of children that are registered at the Academy. Any person, including members of the public, may make a complaint to Hill Top Academy about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

### The difference between a concern and a complaint

A concern may be defined as *‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’*.

A complaint may be defined as *‘an expression of dissatisfaction however made, about actions taken or a lack of action’*.

It is in everyone’s interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. All Academies within Exceed Learning Partnership take concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Principal/Headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Principal/Headteacher will



refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Hill Top Academy will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

### **How to raise a concern or make a complaint**

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with either the class teacher, phase leader, Principal/Headteacher. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.

Complaints against Academy staff (except the Principal/Headteacher) should be made in the first instance, to the Principal/Headteacher via the Academy office. Please mark them as Private and Confidential.

Complaints that involve or are about the Principal/Headteacher should be addressed to the Chair of Governors, via the Academy office. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing board should be addressed to the Governance Professional of the Governing board via the Academy office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the academy/Academy office. You can also ask third party organisations like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

### **Anonymous complaints**

We will not normally investigate anonymous complaints. However, the Principal/Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

### **Timescales**

You must raise the complaint within three months of the incident or when the complainant becomes evidentially aware of an incident, if the incident occurred outside of the three-month period.



## Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first Academy day after the holiday period.

## Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by Hill Top Academy, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to Academies</li> <li>• Statutory assessments of Special Educational Needs</li> <li>• Academy re-organisation proposals</li> </ul>	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or Academy re-organisation proposals should be raised with Doncaster Local Authority 01302 736000</p>
<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding: Jim Fox 01302 737748</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from Academy*</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/Academy-discipline-exclusions/exclusions">www.gov.uk/Academy-discipline-exclusions/exclusions</a>.</p> <p><i>*complaints about the application of the behavior policy can be made through the Academy's complaints procedure.</i></p> <p><a href="https://www.hilltop-primary.co.uk/media/documents/HT---Positive-Relationship-and-Behaviour-Policy-2020-21.pdf">https://www.hilltop-primary.co.uk/media/documents/HT---Positive-Relationship-and-Behaviour-Policy-2020-21.pdf</a></p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our Academy should complain through the Academy's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending</p>



	on the substance of your complaint.
<ul style="list-style-type: none"><li>• Staff grievances</li></ul>	Complaints from staff will be dealt with under the Academy's internal grievance procedures.
<ul style="list-style-type: none"><li>• Staff conduct</li></ul>	Complaints about staff will 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.
<ul style="list-style-type: none"><li>• Complaints about services provided by other providers who may use Academy premises or facilities</li></ul>	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
<ul style="list-style-type: none"><li>• National Curriculum - content</li></ul>	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, 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.

If a complainant commences legal action against Hill Top Academy in relation to their complaint, the procedure will continue until such time as it can be appropriately concluded but may require suspension until any legal proceedings have been finalised.

### **Resolving complaints**

At each stage in the procedure Hill Top Academy wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review Academy policies in light of the complaint
- an apology.



## Withdrawal of a Complaint

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

### Stage 1

#### **Formal complaints that are not about the Principal/Headteacher**

Formal complaints must be made to the Principal/Headteacher via the Academy office. This may be done in person, in writing (using the Complaint Form in the appendix of this policy).

The Principal/Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 Academy days.

Within this response, the Principal/Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. Any face to face meeting will follow the below procedure.

*Note: The Principal/Headteacher may delegate the investigation to another member of the Academy's senior leadership team but not the decision to be taken.*

During the investigation, the Principal/Headteacher (or delegated investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied by a colleague who is not involved in the investigation if they wish
- ensure an independent note taker is present at all times so they can concentrate on questioning and take notes of responses
- keep a written record of any meetings/interviews in relation to their investigation.
- Provide a copy of the minutes from any meetings with the complainant to ensure the complainant is able to review them and confirm they are a fair and true reflection.

Following this, and at the conclusion of their investigation, the Principal/Headteacher or delegated investigator will provide a formal written response within 10 Academy days of the date of receipt of the complaint.

If the Principal/Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Hill Top Academy will take to resolve the complaint.

The Principal/Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.



### **Formal complaints about the Principal/Headteacher or member of the governing board**

Complaints about the Principal/Headteacher or member of the governing board must be made to the Governance Professional, via the Exceed Learning Partnership Trust Office. (address found on [www.exceedlearningpartnership.co.uk](http://www.exceedlearningpartnership.co.uk))

If the complaint is about the Principal/Headteacher, or a member of the governing board, a suitably skilled governor from the academies local governing board or Principal/Headteacher from another Academy within the Exceed Learning Partnership Trust will be appointed to complete all the actions listed at Stage 1. The decision on who to appoint will be made by the COO or CEO of Exceed Learning Partnership Trust.

At the conclusion of their investigation, the independent investigator will provide a formal written response.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing board or
- the majority of the governing board

Stage 1 will be considered by an independent investigator appointed by Exceed Learning Partnership Trust in line with the Trust's Complaints and Procedure Policy. (This could be a member of the Trust Board or Executive Leadership Team). The decision on who to appoint will be made by the COO or CEO of Exceed Learning Partnership Trust.

At the conclusion of their investigation, the independent investigator will provide a formal written response.

### **Stage 2**

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with members of the governing board's complaints committee, which will be formed of the first three, impartial, governors available. This is the final stage of the complaints procedure.

If the complaint is:

About the Principal/Headteacher or

- jointly about the Chair and Vice Chair or
- the entire governing board or
- the majority of the governing board





Stage 2 will be heard by a committee formed of the first three, impartial independent governors from within the Trust or Executive / Non-Executive Directors of the Exceed Learning Partnership.

The decision on the makeup of the committee will be made by the COO or CEO of Exceed Learning Partnership Trust.

A request to escalate to Stage 2 must be made to the Governance Professional, via the Exceed Learning Partnership Trust Office. (address found on [www.exceedlearningpartnership.co.uk](http://www.exceedlearningpartnership.co.uk)), within 10 Academy days of receipt of the Stage 1 response.

The Governance Professional, will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within the 10 Academy days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Governance Professional will write to the complainant to inform them of the date of the Stage 2 meeting. They will aim to convene a meeting within 10 Academy days of receipt of the Stage 2 request. If this is not possible, the Governance Professional will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Governance Professional will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The complaints committee will consist of at least three members with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. Where required the Governance Professional will source any additional, independent governors through another academy within the trust, in order to make up the 3-person committee. Alternatively, if required as stated above an entirely independent committee may be convened to hear the complaint at Stage 2.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring someone along such as a relative or friend to provide support. The complainant must ensure they notify the Governance Professional 5 Academy days before the meeting.

If an Academy employee is called as a witness in a complaints meeting they may bring a colleague who has had no involvement in the investigation along to provide support. The employee must ensure they notify the Governance Professional 5 Academy days before the meeting.



*Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Legal and media representatives are not permitted to attend.

5 Academy days before the meeting, the Governance Professional will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible

Any written material will be circulated to all parties at least 2 Academy days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the Academy's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and Hill Top Academy with a full explanation of their decision and the reason(s) for it, in writing, within 10 Academy days.

The letter to the complainant will include details of how to contact Exceed Learning Partnership Trust Board or Department for Education if they are dissatisfied with the way their complaint has been handled by Hill Top Academy.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Hill Top Academy will take to resolve the complaint.



The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

### Next Steps

If the complainant believes the Academy or Exceed Learning Partnership did not handle their complaint in accordance with the published complaints procedure, or they acted unlawfully, or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 2.


The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Hill Top Academy. They will consider whether Hill Top Academy has adhered to education legislation and any statutory policies connected with the complaint.


The complainant can refer their complaint to the Department for Education online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD.

Policy Agreed September 2018 and Reviewed September 2021:

Signed by: CEO: 

Signed by: Chair of Directors: 

Signed: Principal/Headteacher 

Signed by: Chair of Governors: 

Policy to be reviewed in September 2022

Dated 01/11/2021



## Roles and Responsibilities

### Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the Academy in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

### Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - interviewing staff and children/young people and other people relevant to the complaint
  - consideration of records and other relevant information
  - analysing information
- liaising with the complainant and the complaints coordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Principal/Headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Principal/Headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.



**Complaints Coordinator** *(this could be the Principal/Headteacher/ designated complaints governor or other staff member providing administrative support)*

The complaints coordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Principal/Headteacher, Chair of Governors, Governance Professional and LAs (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
  - sharing third party information
  - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

**Governance Professional to the Governing board**

The Governance Professional is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to Academy 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)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, Academy and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

**Committee Chair**

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Governance Professional) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is



particularly important if the complainant is a child/young person

- the remit of the committee is explained to the complainant
- 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.

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- both the complainant and the Academy 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 issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Governance Professional (and complaints coordinator, if the Academy has one).

### Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so

No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.

- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the Academy and the complainant

We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favor. It may only be possible to establish the facts and make recommendations.

- many complainants will feel nervous and inhibited in a formal setting

Parents/carers often feel emotional when discussing an issue that affects their child.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The committee should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.

- the welfare of the child/young person is paramount.



## Complaint Form

Please complete and return to Mrs R Macleod, Principal who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b>
<b>Postcode:</b>
<b>Day time telephone number:</b>
<b>Evening telephone number:</b>

**Please give details of your complaint, including whether you have spoken to anybody at the Academy about it.**





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

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

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**

