



COMPLAINTS POLICY AND PROCEDURE

THIS POLICY APPLIES TO THE HEARTWOOD LEARNING TRUST BOARD, THE CENTRAL TEAM AND ALL TRUST SCHOOLS/ACADEMIES

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Policy Updates

Date	Page	Policy Updates
March 2021	Whole policy	NEW policy - this policy replaces the Trust's previous Complaints Procedure. The policy has been re-written in line with new DfE model guidance.
July 2021	11	4-5 - Amended to include reference to record keeping in-line with an update to the DfE model policy.
January 2024	Whole policy	Policy rewrite.

Introduction

Heartwood Learning Trust (HLT) are committed to ensuring that their schools/academies, central team, governors and Trustees operate in an effective and professional manner at all times. We strive to provide the best educational experience for our pupils and the wider community. We appreciate, at times, situations may occur which will require where individuals may wish to raise a concern or complaint. This policy provides details on our concerns/complaints will be handled should they arise.

Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to the HLT 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”*.

This classed as an informal level in which we endeavour to resolve concerns without the need for a formal complaint. This informal element can be dealt with by subject teacher, pastoral lead, head of department or member of SLT (exc the Principal)*

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

Issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Schools/academies and the central team within HLT take concerns seriously and will make every effort to resolve the matter as efficiently as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher/Principal will refer you to another Trust staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher/Principal will refer you to another Trust staff member. The member of staff may be more senior based in the same school/academy or, in some circumstances, from another Trust school/academy 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 and stage 1 of this procedure provides this structure. In this case, HLT will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

How to raise a concern

A concern can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate written consent to do so. The subject of the concern must be clear in order for the member of staff to respond effectively.

How to raise a formal complaint

A complaint should be made using the [Google Form](#) (example form can be found within [Appendix A](#)). Should a formal complaint be received directly by the schools/academy or associated member of the Local Governing committee, this will be forwarded to the central team.

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. If you require further support, please contact the relevant school/academy office or, if you would prefer, you can also ask a third-party organisation (example; the Citizens Advice Bureau <https://www.citizensadvice.org.uk/>) to help you.

Anonymous Complaints

We will review all anonymous complaints and determine if a fact finding process or investigation should be undertaken inline with this policy. This will be determined, based on the subject of the complaint, by either the CEO, COO or Chair of the Trust Board; depending on the subject of the complaint.

Timescales

You must raise the complaint **within three months** of the incident or, where a series of associated incidents have occurred, **within three months of the last of these incidents**. In exceptional circumstances only, we may consider complaints made outside of these timeframes.

Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school/academy day after the holiday period; school/academy closures will **not** be counted within the policy timescales.

Scope of this complaints procedure

This procedure covers all complaints about any provision of community facilities or services by HLT and its schools/academies, other than complaints that are dealt with under other statutory procedures, including those listed below.

Table One - Exceptions to the Complaints Policy

Exceptions	Who to contact
Admissions to schools Statutory assessments of Special Educational Needs School/academy reorganisation proposals	Concerns about admissions, statutory assessments of Special Educational Needs or school/academy reorganisation proposals should be handled through a separate process – either through the appeals process (Admissions) or via the local authority (LA) where the school/academy is based (City of York Council, North Yorkshire County Council, Hull City Council or as appropriate i.e. in the event of merger or future academisation).
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our Safeguarding and Child Protection Policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the Local Authority Designated Officer (LADO) who has local responsibility for safeguarding:- City of York Council - 01904 551900

	Hull City Council - 01482 790933 North Yorkshire County Council - 01609 533080 (or other appropriate LA designates i.e. in the event of merger or future academisations)
Exclusion of children from school*	Further information about raising concerns about exclusion can be found at www.gov.uk/school-discipline-exclusions/exclusions <i>* complaints about the application of the Behaviour Policy can be made through this complaints procedure.</i>
Whistleblowing	For all employees, including temporary staff and contractors, our Whistleblowing policy provides information on the submission process. 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 directly with their employer. Referrals can be made via www.education.gov.uk/contactus. Volunteer staff who have concerns should complain through this complaints procedure. You may also be able to complain directly to the appropriate Local Authority or the Department for Education (www.education.gov.uk/contactus), depending on the content of your complaint.
Staff (employee) grievances	All employee complaints from staff will be dealt with under the Trust's Grievance Procedures or equivalent. Further information can be obtained via HR@hlt.academy
Staff (employee) conduct	Complaints about an employee will be dealt with under the Trust's internal Disciplinary Procedures, if appropriate.. <i>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.</i>
Complaints about services provided by other providers who may use school/academy premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them directly.

If external or third party organisations/bodies are investigating aspects of the complaint, for example the Police, Local Authority safeguarding team or a tribunal, 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 this happens, we will inform you of a proposed new timescale.

If a complainant commences legal action against HLT in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have been concluded.

Complaint Resolution

At each stage of this procedure, HLT focus is to gain a resolution with the complainant. If appropriate, we will acknowledge the complaint outcome, whether upheld in whole or in part. In addition, we may offer one or more of the following:

- An clear 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 corrective actions will be made
- An undertaking to review Trust and/or school/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 - Initial Formal Complaint

It is to be hoped that most concerns can be expressed and resolved on an informal basis. However, there will be occasions when individuals are not satisfied with the response to their initial concern.

Table Two - How to Raise a Stage 1 Complaint

Complaint Regarding	School/Academy Role	School/Academy/Department	Website Contact Details
A dissatisfaction with the handling of a previous informal 'concern' or the issue relating to the school/academy provisions and procedures of the school/academy inc. impact on your child/children. School/Academy Staff (<i>not the Headteacher/Principal or Trust Executive team</i>).	Head of Department / Curriculum / Faculty / member of SLT inc Principal* <i>*These lists are not exhaustive. Please contact the central team for guidance.</i>	Liberty Academy Aspire Academy Barlby High School Burton Green Primary School Compass Academy Forest of Galtres Primary School George Pindar School Graham School Manor CE Academy Newland St John Primary School Poppleton Ousebank Primary School St James Primary School Skelton Primary School Vale of York Academy Trust Central Team	https://lib.hlt.academy/contact-us/ https://asp.hlt.academy/contact-us/ https://bhs.hlt.academy/contact/ https://bgp.hlt.academy/contact/ https://com.hlt.academy/contact/ https://fog.hlt.academy/contact/ https://gps.hlt.academy/contact/ https://gra.hlt.academy/contact/ https://mce.hlt.academy/contact/ https://nsj.hlt.academy/contact/ https://pop.hlt.academy/contact/ https://sjp.academy/contact/ https://ske.hlt.academy/contact/ https://voy.hlt.academy/contact/ https://.hlt.academy/contact/
Headteacher / Principal, Trust Executive team, COO / CEO, Trustee / Governor.	Not applicable to stage 1, please refer to stage 2 of this policy		

Complaints should be raised in accordance with [Table One](#) and in written format i.e. email or letter. Complainants should not approach individual school/academy Governors to raise a complaint. Governors do not have power to act on an individual basis or with prior knowledge of a complaint.

Response Timescale(s)

Response Format	Target Response Time (school/academy days exc. closures)
Written response	5 school/academy days

At the conclusion of the fact finding at this stage, the appropriate person handling the complaint will provide a written **response** within **five school/academy days** of the date of receipt of the complaint.

If the school/academy role is unable to meet this deadline, they will provide the complainant with an update and revised response date. If the issue remains unresolved, the next step is to make a formal complaint at stage 2.

All correspondence relating to a complaint will be linked to the appropriate pupil record via the information management system or, as defined, by the Trust COO / CEO.

Stage 2 - Formal Complaints

If the complaint has **not** been resolved during stage 1, the complainant may wish to submit an appeal at stage 2. The complainant must submit the formal complaint within **10 school/academy days** of the stage 1 complaint response.

The basis for the stage 2 complaint must be the **same** concern as raised within stage 1 with a clear reasoning for the stage 2 appeal/submission. This should be submitted as detailed within Table Three.

Table Three - How to Raise a Stage 2 Formal complaint

Complaint Regarding	School/Academy	Email Address	For the Attention of
Headteacher/Principal or Central Team	All schools/department	hello@hlt.academy	Complaints
Chair of Governors, any individual governor or Local Governing Committee	All schools	hello@hlt.academy	Complaints
Trust Executive Leadership team exc. Chief Operating Officer (COO)		hello@hlt.academy	Chief Operating Officer
Chief Operating Officer (COO)		hello@hlt.academy	Chief Executive Officer
Chief Executive Officer (CEO)		chair@hlt.academy	Chair of the Trust Board
Trustee (Member of the Trust Board) exc Chair		hello@hlt.academy	Chair of the Trust Board
Chair of the Trust Board		hello@hlt.academy	Chief Executive Officer
Heartwood Learning Trust (HLT “the Trust”)		hello@hlt.academy	Chief Operating Officer

This should be completed via the [Google form](#) which can also be located on our Trust website (<https://hlt.academy/our-policies/>). An alternative electronic format can be provided upon request by contacting the central team via hello@hlt.academy or 01904 560053. The full postal address for the HLT Head Office is Rawcliffe Drive, Clifton Without, York YO30 6ZS.

The recipient of the complaint (refer to hereafter as '**complaint handler**') will log this with the central team via the Executive Support Manager, or designated colleague, who will assign a reference which must be used on all correspondence.

Response Timescale(s)

Response Format	Target Response Time (school/academy days exc. closures/training days)
Acknowledgment of complaint	5 school/academy days
Formal response	20 school/academy days

The complaint handler will acknowledge receipt of the complaint in writing (either by letter or email) within **five school/academy days** and state the anticipated date of a formal written response which will be within **20 school/academy days** of the receipt of the complaint. If the complaint handler is unable to meet this deadline, they will provide the complainant with an update and revised response date.

Within this response, the complaint handler will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The complaint handler will carry out the following actions to investigate the complaint satisfactorily:

1. Keep a written record of any meetings / interviews in relation to their investigation.
2. Meet with the complainant, whether face to face or via online meeting to ascertain the full details of their complaint.
3. Meet with the member of staff who handled the stage 1 complaint, establish actions/investigations undertaken and review their outcome correspondence.
4. If applicable, interview individuals relating to the complaint, face to face or via online meeting to gain information or establish a clear basis of the situation relating to the complaint.
5. Review any documentation/information available, which relates to the basis of the complaint.
6. Based on the investigation and information obtained, reach a conclusion; the outcome must clearly state the complaint, findings and substantiation of the conclusion; this must be complete on the document [\(Appendix C\)](#).
7. The outcome report and associated evidence should be submitted to the central team for retention.

Note: The complaint handler may delegate the investigation to another member of the school/academy Senior Leadership Team or a designated Senior Leader from within the Trust.

The response will detail any action 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 the school/academy will take to resolve the complaint.

The complaint handler will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

The complaint recipient will be responsible for allocating suitable resources to investigate the complaint to ensure a fair and professional process. This may be from within the Trust or externally appointed. The complainant cannot determine the investigating team or process.

Complaints escalated to / about the Trust

If a complaint is escalated to HLT (“the Trust”) or if a complainant wishes to complain directly about the Trust, then the complaint should be sent to the COO to be investigated. As stated within table three.

The COO will write to the complainant acknowledging the complaint within **five school/academy days** of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated under **Stage 2** of the complaints procedure and will confirm the date for providing a response to the complainant.

Stage 3 - Formal review of the stage 2 investigation and Outcome

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 - a panel hearing will be formed. The panel structure will consist of the following based on the original complaint and the specified role of the employee involved:-

Table Four - Stage 3 - Panel Structure

Complaint Regarding	Panel Requirements (made up of 3 of the roles stated below)
School/academy Staff (not the Headteacher/Principal or Trust Executive team)	Governor (from any Trust LGC) School/academy leadership (exc. related school/academy) Central Trust management or executive team Trustee
Headteacher/Principal	Governors (exc. related school/academy Governors) Central Trust Executive Team (where no line management role is applicable) Trustee
Chair of Governors, any individual Governor or the whole Local Governing Committee	Trustee(s) Chair of Governor (exc. related school/academy)
Trust Executive Leadership team exc Chief Operating Officer (COO)	Trustee COO/CEO Governor (maximum one)
Chief Operating Officer	Trustee (minimum two) CEO Independently appointed professional
Chief Executive Officer (CEO)	Chair of the Trust Board Trustee (minimum one exc. the Chair) Independently appointed professional

Trustee (Member of the Trust Board) exc Chair of the Trust Board	Chair of the Trust Board Independently appointed professional
Chair of the Trust Board	Independently appointed panel of professionals

The panel members must not be involved in the complaint prior to stage 3. If a panel member is excluded due to their participation at stage 2 of this process, an increase in the remaining panel roles will be required. All panel meetings will be minuted by the appointed governance service; should the governance service be unable to minute the stage 3 panel meeting an appropriately skilled member of the central team or an independent professional minute taker will be appointed.

As one organisation, HLT reserves the right to utilise staff, school/academy, Trust leadership and governors from any of its locations. This is the final stage of the complaints procedure.

A request to escalate to Stage 3 must be made to the Executive Support Manager (hello@hlt.academy) via the Trust head office, within **five school/academy days** of receipt of the Stage 2 response.

The Executive Support Manager will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within **five school/academy days**. The complaint will then be assigned to the governance service or appointed clerk.

Requests received outside of this timeframe will only be considered if exceptional circumstances can be demonstrated and applied.

Response Timescale(s)

Response Format	Target Response Time (school/academy days exc. closures/training days)	Responsibility
Acknowledgment of complaint	5 school/academy days	Executive Support Manager
Notification of the Hearing Date	*20 school/academy days	Governance service or appointed clerk
Confirm of full hearing arrangements	10 school/academy days before the meeting	Governance service or appointed clerk
Hearing packs / documentation	At least 5 school/academy days before the date of the hearing	Governance service or appointed clerk
If applicable, notification of complainant representation / support	At least 2 school/academy days before the date of the hearing	Complainant
If applicable, notification of staff union representation / support	At least 2 school/academy days before the date of the hearing	Where applicable, staff member (called as witness)

Outcome of Hearing	5 school/academy days from date of hearing	Chair of the Panel (via Governance service or appointed clerk)
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*They will aim to convene a hearing within **20 school/academy days** of receipt of the Stage 3 request. If this is not possible, the governance service or, where agreed, the appointed clerk 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 service or, where agreed, the appointed clerk will decide when to hold the hearing. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

Table Five - Stage 3 Panel Meeting

Stage 3 Attendees	Panel Requirements (made up of 3 of the roles stated below)
Panel members x 3	1. Trustee x 1 2. For school/academy complaints: Member of the appropriate school/academy LGC For central team complaints:- Member of the CST management or executive team 3. One other (where no personal conflict of interest exists)
Clerk	To support in the management of the hearing and to undertake minutes only
Complainant	A complainant may bring someone along to the hearing to provide support. This can be a relative or friend; notification of the individual's details must be provided 2 working days prior to the panel hearing date. Those accompanying the complainant are there for moral support and will not be provided with an investigation pack and will not be permitted to partake in the discussions.
Investigating Officer of Stage 2	
In exceptional circumstances and upon request of the hearing panel, a witness may be called to support the establishment of the stage 2 process only. If these are a member of staff, a union and / or legal representation. Media representatives are not permitted.	

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.

Any written material will be circulated to all parties at least **five school/academy days** before the date of the hearing. The panel will not accept, as evidence, recordings of conversations that were obtained covertly and without the

informed consent of all parties being recorded. All documentation provided will be redacted in accordance with the Trust GDPR policy and GDPR UK regulations.

The panel 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 this procedure. Complaints already investigated at stage 2 of this policy will not be re-investigated unless this is an outcome of the stage 3 hearing.

The hearing will be held in private. Electronic recordings of meetings or conversations will only be permitted on the basis:

- To support the appointed clerk in compiling accurate minutes; recordings will not be shared with the participants and will be deleted upon agreement of the minutes.
- Where the complainant / panel member has a 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 panel will consider the complaint and all the evidence presented. The panel 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 panel will:

- Decide on the appropriate action to be taken to resolve the complaint.
- Where appropriate, recommend changes to the Trust/school/academy systems or procedures to prevent similar issues in the future.

The Chair of the panel will provide the complainant and the school/academy with a full explanation of their decision and the reason(s) for it, in writing, within **five school/academy days** of the panel hearing. Where appropriate, it will include details of actions the school/academy or Trust will take to resolve the complaint.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by HLT.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school/academy premises by the Headteacher/Principal and the Trust Executive team. A copy will also be retained by the Executive Support Manager for audit and reporting purposes.

A register will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

All correspondence statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

If the complaint is:

- Jointly about the Chair and Vice-Chair or
- The entire Trust Board or
- The majority of the Trust Board

Stage 2 will be investigated by an independent investigating officer. Stage 3 will not apply.

Roles and Responsibilities

This policy defines a clear structure of roles and responsibilities. The roles are key to ensure a structured and efficient process. Details of the roles and responsibilities can be found in [Appendix B](#). Should an appointed individual have a conflict of interest in relation to the investigation i.e. friend of complainant, line manager of staff member detailed in the complaint, must raise this immediately with the complaint handler. In these circumstances, another panel member will be appointed.

Managing Serial and Unreasonable Complaints

HLT are 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 schools/academies/central team. 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. Our policy for dealing with this type of situation can be found within [Appendix E](#) of this document.

Next Steps

If the complainant believes the school/academy/Trust 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 ESFA after they have completed Stage 3.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by HLT or any of its schools. They will consider whether HLT has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).

The complainant can refer their complaint to the Department for Education online at: 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

Appendix A - Complaint Form

Please complete and return to the person stated within [table three](#), who will acknowledge receipt within the stated time frame.

Complaint Form			
Your Full Name			
School/Academy Name			
Pupil's Name <i>(if relevant)</i>			
Your relationship to the pupil <i>(if relevant)</i>			
Address			
Postcode			
Daytime telephone number			
Evening telephone number			
Availability to take initial call			
Email address			
Please give details of your complaint, including details of your stage one outcome, if applicable			
If your complaint has already been heard at stage 1, do you wish to proceed to stage 2?			
Yes		No	

Please confirm why you were dissatisfied with the outcome of your informal stage one complaint?			
Please confirm what your desired outcome of the stage 2 complaint?			
Are you attaching any paperwork? If so, please give details:			
<i>Include stage one outcome correspondence</i>			
Signature		Date	
Official Use			
Date acknowledgement sent			
By who			
Complaint referred to			
Action taken			

Appendix B - Roles and Responsibilities

Complainant

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

- Explain the complaint in full as early as possible in the process
- Cooperate with the school/academy/HLT 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.

Executive Support Manager / Team

The executive support manager, or designated member of the executive support team, will ensure that the complaint received is:

- Register receipt of the formal complaint
- Assign a unique complaints reference number
- Acknowledge receipt of the complaint at the respective formal stage within the defined timescales and state the anticipated date of response. If necessary, the complaint handler will notify the complainant of changes to the date of response and provide reasoning.
- Ensure that all documentation is redacted in accordance with GDPR

Complaint Handler

The complaint handler role is to ensure that the complaint received is:

- Acknowledge the complaint in writing (either by letter or email) within **five school/academy days** and state the anticipated date of a formal written response which will be within **20 school/academy days** of the receipt of the complaint.
- Assign a suitable investigating officer to undertake the formal complaint process
- Monitor timeline and activities
- Review the investigators completed documentation

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
 - where applicable, interview 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, as appropriate, to clarify what the complainant's outcome objectives are in order to rectify their concerns/complaint.

The investigator should:

- Should utilise the Trust template documentation to ensure that a structure and consistent approach is utilised for all complaints.
- Conduct interviews with an open mind and be prepared to persist in questioning
- Keep notes of interviews or arrange for a suitable note taker to record minutes of any meetings
- Ensure that any papers produced during the investigation are kept securely pending any appeal. These should be stored electronically and included within the investigation outcome report as appendices.
- Be mindful of the timescales to respond
- Prepare a comprehensive report for the complaint handler and panel that sets out the facts, identifies solutions and recommends courses of action to resolve problems
- At stage 2, the panel will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Governance Service or Appointed Clerk - Panel Meetings

The Governance Service or Appointed Clerk will be assigned by the complaint handler for the management of all stage 3 complaints. The Governance Service or Appointed Clerk will:

- Ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school/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 hearing, 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 and 2 paperwork, school/academy and complainant submissions) and send it to all parties in advance of the hearing within an agreed timescale.
- All documentation issued as a pack for stage 3 complaints panel hearing must be reviewed and approved by the Executive Support Service Manager who will liaise directly with the Trust Data Protection Officer or Compliance Officer, if required.
- Record the proceedings
- Circulate the minutes of the hearing
- Formally notify the COO and Executive Support Service Manager of the outcome immediately following the hearing.
- Notify all parties of the panel's decision.

Panel Chair

The panel Chair, who is nominated in advance of the hearing, should ensure that:

- Both parties are asked (via the Governance Service or Appointed Clerk) to provide any additional information relating to the complaint by a specified date in advance of the hearing
- 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 hearing are put at ease. This is particularly important if the complainant is a child / young person
- The remit of the panel 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 hearing
- Both the complainant and the school/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 issues are addressed
- Key findings of fact are made
- The panel is open-minded and acts independently
- No member of the panel 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 Service or Appointed Clerk.

Panel Member

Panel members should be aware that:

- The hearing must be independent and impartial, and should be seen to be so. No Governor / Trustee 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 school/academy and the complainant. We recognise that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. 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 hearing. Careful consideration of the atmosphere and proceedings should ensure that the child / young person does not feel intimidated.
- The panel 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 panel 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 panel 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 hearing that the panel considers is not in the child / young person's best interests.
- The welfare of the child / young person is paramount.

Appendix C - Investigation Report

Investigation Report	
PRIVATE AND CONFIDENTIAL	
Investigation in respect of	
Name	
Job Title	
Investigation Commissioned by	
Name of Investigating Officer	
Job Title of Investigating Officer	
Date Investigation Report Started	
Date Investigation Report Completed	

Contents

Detail	Page Number
Complaint	
Investigation Process	
Documentation / Policy	
Background to the Investigation	
Main Finding of the Investigation	
Conclusion	
Outcome	
Recommendations	
Interview Minutes	

In addition, the information contained within this document may be subject to disclosure under the General Data Protection Regulation (GDPR) and Freedom of Information (FOI) legislation; this includes disclosing the information to the Police Service if requested as part of any ongoing criminal investigation.

It is the personal responsibility of the individual to whom this is retained to safeguard this information.

Complaint(s)

Complaints Log	
1	
2	
3	
4	

Investigation Process

As part of the investigation the following documents / policies were reviewed and used

Documentation / Policy	Appendix Number (If applicable)

Background to the Investigation

Main Findings of the Investigation

Conclusion(s)

Outcome Decision	
Uphold the complaint in whole	<i>If appropriate, substantiate the outcome here</i>
Uphold the complaint in part	<i>If appropriate, substantiate the outcome here</i>
Dismiss the complaint in whole	<i>If appropriate, substantiate the outcome here</i>
Dismiss the complaint in part	<i>If appropriate, substantiate the outcome here</i>

Recommendation(s)
<i>If appropriate, substantiate recommendations associated with the outcome here</i>

Appendix D - Interview Minutes

Interviewer Name	
Interviewer Job Title	
Interviewee Name	
Interviewee Job Title	
Date of Commencement in Current Post	
Date of Interview	
Minute Taker Name	

Transcript of the Interview	
<i>Full minutes of meeting to be included here.</i>	
Approval of Minutes	
Interviewee Name	
Date Approved	
Investigating Officer	
Date Approved	

Appendix E - Policy for Managing Serial and Unreasonable Complaints

(to be read in conjunction with The Heartwood Learning Trust's Complaints Procedure)

The Heartwood Learning Trust is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with our school(s). 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.

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

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuses to cooperate with the complaints investigation process
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- seeks an unrealistic outcome
- makes excessive demands on school/academy time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school/academy 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/Principal or Chair of the Local Governing Committee will discuss any concerns/complaints with the complainant informally before applying an '*unreasonable*' marking.

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

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