

# Hartlepool Aspire Trust

(Catcote Academy & Catcote Futures)

## Complaints Procedure



## Hartlepool Aspire Trust (Catcote Academy & Catcote Futures) Complaints Procedure

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Approver: SLT

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Issue	AMENDMENT	IMPACT LEVEL	DATE
1	First Issue	Moderate	Jul-13
2	Removal of LGB as per new structure, added complaints form	Moderate	Jul-19
3	Review-no substantial change-updated DfE contact details	Moderate	Jan-22

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## 1 Introduction

This complaints procedure is not limited to parents or carers of students that are registered at the Catcote Academy or Catcote Futures. Any person, including members of the public, may make a complaint to Hartlepool Aspire Trust about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory or trust policies/procedures (such as exclusions, admissions, child/student protection, statutory assessment of SEN, whistleblowing, staff grievances, disciplinary procedures etc), this procedure will apply.

The Hartlepool Aspire Trust Complaints Policy [1] sets out the principles for handling complaints made against the Trust.

This document sets out the detailed procedure for applying the complaints policy.

## 2 Responsibilities

The following people have responsibilities under this policy.

### 2.1 ***Member of Staff Receiving a Complaint***

Responding to complaints/concerns raised in a positive and constructive manner, and attempting to resolve them informally. Referring the Complainant to the Formal complaints procedure it is not possible to agree a solution.

### 2.2 ***Head Teacher (CEO)***

Responding to formal complaints in writing as quickly as possible, based on the facts available.

### 2.3 ***Chair of the Board of Trustees***

Appoint a panel of Trustees to hear an appeal against a formal complaint response when necessary.

### 2.4 ***Chair of the Appeal Panel***

Ensure that the appeal hearing is conducted in a fair and transparent manner, based on the facts given.

## 3 Procedure for Making and Handling Complaints

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. The Trust takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

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

We will not normally investigate anonymous complaints. However, the Head Teacher (CEO) or Chair of Trustees, if appropriate, will determine whether the complaint warrants an investigation.

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. We will consider complaints made outside of this time frame if exceptional circumstances apply.

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

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 the Trust in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

At each stage in the procedure, the Trust 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 Trust policies in light of the complaint
- an apology

### **3.1                    *Stage 1: Informal Complaints***

#### **3.1.1                *Concerns***

Most concerns, where a complainant seeks intervention, reconsideration or some other action to be taken, can be resolved informally and should be discussed with

the relevant member of staff i.e. Teacher, Assistant, Deputy or Head Teacher (CEO) or an appropriate Manager.

### **3.1.2 Unresolved concerns**

A concern which has not been resolved by informal means within ten working days from the receipt of the complaint can be notified as a formal complaint in accordance with Stage 2 below.

### **3.1.3 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 complaint and/or file correspondence between the person raising the concern and the respondent.

## **3.2 Stage 2: Formal Complaints**

### **3.2.1 Notification**

An unresolved concern under Stage 1, or a complaint which needs investigation, or a more serious dissatisfaction with some aspect of the Trust's policies, procedures, management or administration should be set out in writing (you may use the Complaints Form – Appendix A) with full details and send with all relevant documents and full contact details for the attention of:

- the Head Teacher (CEO) (inc complaints against Trust staff)
- Complaints regarding the Head Teacher (CEO) should be sent to the Chair of Trustees
- Complaints regarding a Trustee should be addressed to the Clerk to the Board of Trustees

Please address any correspondence to the appropriate person in a sealed envelope and mark 'private & confidential'. This can be sent via to the school/college reception.

### **3.2.2 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.

### **3.2.3 Investigation and resolution**

The Head Teacher (CEO) may deal with the matter personally or delegate a senior member of staff to act as 'investigating officer'.

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### **3.2.4 Outcome**

The aim is to inform any complainant of the outcome of an investigation and the resolution to the complaint within 15 working days from the receipt of the complaint. This may not be possible during holiday periods.

### **3.2.5 Record of complaints**

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

### **3.2.6 Unresolved Complaints**

Where the complainant is not satisfied with the Trust's response to their complaint they may have their complaint considered by an independent Complaints Panel.

## **3.3 Stage 3 – Appeal**

### **3.3.1 Request**

A request for a complaint to be heard by a Complaints Panel (an appeal) must be made in writing and within 10 working days of the date of the Trust decision made at Stage 2.

### **3.3.2 Acknowledgement**

The Trust will refer the appeal to the Chair of the Board of Trustees within 3 working days of receipt.

The Chair will appoint a panel of Trustees to hear the appeal (see sec 3.3.3), and appoint a Clerk to the Appeal Panel.

The Clerk will acknowledge, in writing, receipt of the appeal and inform the complainant of the steps involved in the process.

The Clerk will be the contact point for the complainant.

### **3.3.3 Appointment of Appeal Panel**

The Panel will consist of three Trustees who have not previously been involved in the complaint. The Panel will select its own Chair. If there are fewer than three Trustees from the Trust available, the Clerk will source any additional, independent Governors/Trustees through another local school/college.

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 to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

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### **3.3.4 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.

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

- The complainant and one other person to provide support
- The Head Teacher (CEO) and/or one representative
- Any other person who the Complaints Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision making.

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

All written evidence must be received by the Clerk no later than 5 working days in advance of the Panel Hearing. The evidence will be considered by the Panel along with the initial submission.

The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the Trust and the complainant.

The Panel Chair will ensure that the proceedings are as informal as possible. Minutes of the hearing will be produced by the Clerk and retained as records of the complaint resolution.

The Panel may:

- dismiss the complaint in whole or in part
- uphold the complaint in whole or in part
- decide on the appropriate action to be taken to resolve the complaint
- recommend changes to the Trust's systems or procedures to ensure that problems of a similar nature do not recur

### **3.3.5 Decision:**

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

The complainant will be informed of the decision in writing.

### **3.3.6 Notification of the Panel's Decision**

The Panel's findings will be sent, by writing, to the Clerk, to the complainant, the Trustees and the Head Teacher (CEO) 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.

### 3.3.7 Record of Appeal Hearing

Minutes of the appeal hearing will be made, and recorded along with the evidence presented in the complaint file, which will be retained for 10 years.

### 3.4 Vexatious Complaints:

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, if the complainant believes the 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 Department for Education after they have completed Stage 3.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the Trust. They will consider whether the Trust 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.gov.uk/contact-dfe](http://www.gov.uk/contact-dfe) or by telephone on: 0370 000 2288.

## 4 Definitions / Abbreviations

Term	Meaning
SEN	Special Educational Needs

## 5 Records

The following records are produced as a result of implementation of this Policy:

Description	Form Number	Retention Period	Storage Location

## 6 References

[1] HAT\_POL\_GOV\_05 Complaints Policy

## Appendix A – Complaint Form

<b>Your name:</b>
<b>Student's name (if relevant):</b>
<b>Your relationship to the student (if relevant):</b>
<b>Address:</b>
<b>Postcode:</b>
<b>Day time telephone number:</b>
<b>Evening telephone number:</b>
<b>Please give details of your complaint, including whether you have spoken to anybody at the school/college about it.</b>

<b>What actions do you feel might resolve the problem at this stage?</b>
<b>Are you attaching any paperwork? If so, please give details.</b>
<b>Signature:</b>
<b>Date:</b>
<b>Official use</b>
<b>Date acknowledgement sent:</b>
<b>By who:</b>
<b>Complaint referred to:</b>
<b>Date:</b>

