

May 2021



## COMPLAINTS PROCEDURE

**HORIZONS EDUCATION TRUST  
AMERICAN LANE, HUNTINGDON, CAMBRIDGESHIRE. PE29 1TQ**

Trustees are required by law (Section 29 of the Education Act 2002) to establish procedures for dealing with complaints related to school or the provision of facilities and services provided by the school. The Local Authority has no statutory right to investigate our school complaints and all complaints must be directed to the school. Any complaints about provision or delivery health services or social care must follow their separate complaints procedures and will not be handled by the school. Complaints to our special school are rare as we continuously seek feedback from parents and carers and seek to resolve any issues that arise informally.

#### 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 about any provision of facilities or services that we provide as a school. Some complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), or you may wish to complain to third parties, To make things easier we will use this complaints procedure for all complaints received by the school.

#### 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'*. Sometimes parents just want reassurances and that can be achieved quickly by talking to the class teacher.

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. Sometimes Parents just want the school to put things right. Most issues can be resolved quickly and informally, without the need to use the formal stages of the complaints procedure.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, our Head of School can talk to you and may provide you with another teacher or member of staff to support you.

In our work supporting you we will listen to your concerns objectively and impartially.

#### Serial or unreasonable complaints

In accordance with administrative law principles there may be occasions when a complainant meets our serial and unreasonable complaints criteria. That means you have already complained about the same issue and had reply. In that case if the complainant contacts us again on the same issue the correspondence may be viewed as persistent and serial and we may choose not to respond.

## How to raise a concern or make a complaint

An initial concern or complaint can be made in person, in writing or by telephone. If you need help to make a complaint you can ask a third party acting on behalf on a complainant, as long as they have appropriate consent to do so. However the school will not receive or accept complaints from legal representatives.

Concerns must be raised with either the class teacher in the first instance so the complaint can be resolved informally. If the issue remains unresolved, the next step is to talk to the Assistant Head and make a formal complaint.

Complainants should not approach individual Trustees to raise concerns or complaints. They have no power to act on an individual basis and it will prevent them from considering complaints at a later stage in the procedure.

Complaints against school staff (except the head of School) should be made in the first instance, to Head of School via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the Head of School should be addressed to Executive Head acting on behalf of Trustees, via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of Trustees, any individual Trustee or the whole Board of Trustees should be addressed to The Clerk to the Trustees) via the school office. Please mark them as Private and Confidential.

The school will not receive or deal with third party complaints and the Head of School will refer you to their administration services if they provide facilities or a service to your child.

We ask that you use the Complaint Form to state your complaint. If you require help in completing the form, please contact the school office. We will either help or try to find someone from a charity organisation.

In accordance with Equality Act 2010, 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 if requested or holding meetings in accessible parts of the school building

## Anonymous complaints

We will not investigate anonymous complaints. The Executive Head acting for the Trust will determine whether the complaint warrants an investigation from the school using the information provided.

## Purpose of the complaints procedure

The purpose of our Complaints Procedure is to provide an open, transparent and timely response so we can:

- Resolve issues as quickly as possible informally
- Something that has gone wrong acknowledged and when possible put right.
- An apology can be made when it is appropriate
- The school and management of the school can learn from the process making it less likely a similar complaint will be brought in the future.
- View a record of the complaints and summary of how these were resolved using our Complaints tracker.

## Publicity for our complaints procedure

Copy of the Complaints procedure and Complaints form are available on school website and office.

## Time scales for any complaint

You must raise the complaint within three months (90 calendar days of the incident) or, where a series of associated incidents have occurred, within three months (90 calendar days) of the last of these incidents dates that form the complaint. This timescale is established by the Department for Education and recommended by Cambridgeshire County Council for dealing with complaints in schools. We will in all cases keep to this time frame because after a longer time memories may not be as clear for any direct witness and staff may have left the school. A delay in making a complaint may be of unfair detriment to any person who is subject of it, making it challenging for them to defend themselves which would be unfair.

Where published timescales cannot be met a new time frame will be established with explanation for delay. If other bodies are investigating an aspect of the complaint for example Police or safeguarding teams or tribunals or legal action the Complaints Procedure may need to be suspended until those investigations are closed. In such cases the Head of School would check that Complaints Procedure can be resumed and inform the complainant.

## Complaints received outside of term time

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

## Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by Horizons Education Trust, 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 schools</li> <li>• Statutory assessments of Special Educational Needs</li> <li>• School re-organisation proposals</li> </ul>	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Statutory Assessment Team, Scott House, Huntingdon.Cambs.</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 or the Multi-Agency Safeguarding Hub (MASH) or Police.</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school*</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p> <p><i>Complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i></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>Volunteer staff who have concerns about our school should complain through the school's complaints procedure.</p> <p>The Trust follows the Cambridgeshire Local Authority Whistle blowing procedures.</p> <p>You can find more information about raising concerns <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p>
<ul style="list-style-type: none"> <li>• Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures.</p> <p>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.</p>
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>

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.

## Resolving complaints

At each stage in the procedure, **Horizons Education Trust** wants to resolve a complaint. It is our aim to deal with most complaints at an informal stage. As a special school we wish to have relaxed and supportive relationships with our parent and carers as pupils may have a placements with us over a number of years. Building and maintaining good relationships and preventing an adversarial approach is important to us.

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
- a decision that the situation could have been handled differently or better and for the complainant to have that acknowledged
- 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 school policies in light of the complaint
- an apology if this appropriate for the situation arising from the complaint.

## Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing. Often after wider discussion with the teacher or other staff, parents and carers are happy to accept an informal resolution and work with the school to rebuild relationships or support changes in the school.

## Informal complaints – to the teacher in the first instance

We expect that any concerns or worries about the school are discussed with the teacher. It is appreciated that in a special school many issues will arise especially for parents who rely upon school transport with children who are non – verbal or have limited communication. We appreciate that misunderstandings can arise if you are not in a position to meet staff on a daily basis.

Equally we also know that emails can be sent or social media posts can impact on attitudes and behaviours towards school when parents and carers may feel under stress caring for their special needs child. Some parents in hindsight realise that teachers and support staff want to get things right for their child. We will make best endeavours to provide factual and unbiased feedback to you to develop a positive and ongoing relationship. We are a special school delivering a quality provision, facilities and services and want to maintain the highest standards of education, support and care for our pupils. We cannot achieve that without feedback to enable the school to develop and improve overtime.

If you want to talk to the teacher please make a request in the home – school diary or call the office. The teacher will call back when possible on the same day and talk to you or leave a message.

If the issue or concern cannot be resolved quickly on the phone please ask if you can arrange a meeting with the teacher or Assistant Head. It is usually easier to resolve any issue face to face although we accept that not everyone will want to do that. If you are beginning to feel it is taking too long to get a response please phone the Head of School or Head of School prior to making a formal complaint. Please complete this step prior to moving to our formal complaints procedure.

## Formal Stage 1 - Assistant Head

Formal complaints must be made in the first instance to the head of School (unless they are about the head of School), via the school office and in envelop marked strictly confidential. This may be done in person, in writing (preferably on the Complaint Form), or by telephone.

The Head of School will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days. Within this response, the Head of School will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Head of School can consider whether a face to face meeting is the most appropriate way of doing this prior to any investigation and reasonably request the complainant uses the informal procedures first.

The Head of School will by letter notify the name of the Assistant Head delegated to provide an investigation and report but not the decision to be taken. During the investigation, (or investigator) will:

- Check any gaps on the complaint form
- Seek additional clarification if required about aspects of the complaint
- Determine the extent of evidence available including evidence not mentioned on the Complaint Form
- Determine the witnesses who might need to be interviewed.
- Establish the complainant's view of an acceptable resolution to the complaint.
- Keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of the investigation a formal written response will be provided by the Assistant Head (Normally within 10 days or as soon as possible). If a delay is anticipated the complainant will receive revised response date and reason.

As part of the feedback to the investigation to the Head of School the Assistant Head will recommend an outcome for the complainant following a review of the evidence using the following options:

**Substantiated** – evidence to uphold the complaint

**Malicious** – Balance of evidence proves the complainant has no case and where there is evidence that the complainant deliberately tried to deceive the school, made the complaint as part of a deliberate attempt to cause distress, or otherwise acted with malice.

**False** – where there is evidence to prove there was no legitimate basis to the complaint

**Unsubstantiated** – Where there is sufficient evidence to reach a conclusion.

The Assistant Head in the investigation report will advise the Head of School whether the complaint meets the criteria for Serial or persistent complaint. The Head of School will advise the complainant if this comes to light during the investigation or if an aspect cannot be reconsidered.

In the report the Assistant Head will provide information about future actions possible from the complaint:

- 1) Action to be taken to put things right
- 2) Decision taken with an explanation that no action is necessary or justified for all or part of the complaint.

- 3) Whether the complaint is about services or facilities of a third party provider.
- 4) Whether the complaint highlights a health and safety, safeguarding or staff disciplinary issue which needs to be dealt with by separate procedures for the school.

The investigation report will be provided to the Head of School who will ask the Assistant Head to follow up any issues that are not clearly stated within the Investigation report to prevent ambiguity or lack of clarity for the complainant.

The Head of School will write to the complainant with a copy of the investigation report and the outcome for and on behalf of the school. Within the letter the complainant will be given information about how to escalate their complaint within the Complaints Procedure if they remain dissatisfied with the outcome.

### Formal Stage 2 – Head of School

If the complainant is dissatisfied with the outcome at Formal Stage 1 which included investigation report by Assistant Head and outcomes and wishes to take the matter further, the complainant can escalate the complaint to Formal Stage 2 – a meeting with Head of School.

The Head will check with the complainant and record in meeting letter that:

- Complaints Procedure at Formal Stage 1 was completed within the scope of the Complaints Policy and procedure
- Clarify the outstanding any issues not resolved and seek to find out how these could be reasonably resolved and remedied for the complainant.
- Reassurance that any complaint about staff conduct will be dealt with under school disciplinary procedures.
- Reassurance that any allegation about a member of staff that covers safeguarding and child protection will be referred to the school safeguarding lead who will contact the Local Authority designated officer (LADO),
- Any complaint about third parties providing facilities or services can be directed to enable the complainant to redirect their complaint.

Following this Formal stage 2 meeting the Head of School will provide a final decision in a written response for and on behalf of the school. Within the letter the Head of School will advise how to contact The Clerk to Trustees to request a review of the school decision by the Executive Head for and on behalf of the Board of Trustees.

### Formal Stage 3 – Complaint Committee / Executive Head for the Board of Trustees

A request by the complainant to escalate to Formal Stage 3 must be made to the Clerk of the Trustees, via the school office, within 5 school days of receipt of the Formal Stage 2 final school response from the Head of School.

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



The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 10 school days of receipt of the Formal Stage 3 request. If this is not possible, the 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 Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions received from both parties three days prior to the meeting date.

The complaints committee will consist of Executive Head and another Trustee with no prior involvement or knowledge of the complaint. The Executive Head will act as the Chair of the Trustees Complaints Committee within the Complaints Procedure.

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.

In a few exceptional instances an additional step of mediation may be offered to the complainant if it is likely this might resolve the complaint without the formal Stage 3 final meeting and decision. The Clerk to the Trustees will advise the members for the Trust if this action is recommended and the time scale set by the Executive Head for the Board of Trustees.

If the complainant is invited to attend the meeting, they may bring someone along to provide support but the Trust will accept a spouse or relative to attend the meeting. If a school employee is called as a witness to a complaint Committee meeting they may wish to be supported by a trade union representative

*Note: Complaints about staff conduct will not 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.*

Representatives from the media are not permitted to attend and no electronic recordings may be made in the meeting to maintain confidentiality.

At least 10 school days before the meeting, the Clerk of Trustees 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.
- request copies of any further written material to be submitted to the committee at least 5 school days before the meeting.

Any written material will be circulated to all parties at least 3 school days before the date of the meeting by email. The committee will not accept as evidence conversations that were obtained covertly and without the informed consent of all parties being recorded and signed/ dated.

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

### Conduct of the meeting:

The Complaint Meeting will be held in private. Electronic recordings of meetings or conversations are not permitted. Prior knowledge and consent of all parties attending must be sought before the meeting to the Executive Head. Consent will be checked and recorded in minutes taken. A minute taker will record the meeting main points, any recommended actions agreed and the Complain Committee decision.

In the meeting the complainant or representative will be requested to state the complaint and what remedy is required to resolve the complaint.

The Head of School may seek clarification or ask questions of the complainant.

The Complaints Committee will consider the detail of the complaint and all the evidence presented by the Head of School who may call witnesses or evidence from the investigation and meetings or correspondence with the complainant. The Head of School will make a final summary.

The complainant may provide a final summary.

The Complaints 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 school's systems or procedures to prevent similar issues in the future.

The Executive Head will provide the complainant with a full explanation of the final decision for the Trust and the reason(s) for it, in writing, within 5 school days.

### Next Steps

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 Horizons Education 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.education.gov.uk/contactus](http://www.education.gov.uk/contactus),

If there is a complaint received related to the Trust:

- about the Chair of Trustees
- the entire Board of Trustees or the majority of the Trustees

The clerk to the Trustees will contact and convene a meeting of members of the Trust who will meet and seek advice from the Regional Schools Commissioner.

### Complaint Form

Please complete and return to Head of School who will acknowledge receipt and explain what action will be taken.

**Your name:**

**Pupil's name (if relevant):**

**Your relationship to the pupil (if relevant):**

**Address:**

**Postcode:**

**Day time telephone number:**

**Evening telephone number:**

**Please give details of your complaint, including whether you have spoken to anybody at the school 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:**

## 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 school 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 co-ordinator 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 headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The 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 Co-ordinator

(this could be the head of School or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, head of School, Clerk to Trustees, Executive Head for Trustees and Regional Schools Commissioner (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.

## Clerk to the Trustees

The Clerk 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 school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- 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, school 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 Clerk) 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 school 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 Clerk (and complaints co-ordinator, if the school has one).

#### Committee Member for Trustees including Executive Head for Trust

Committee members should be aware that:

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

No 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 and the complainant

We recognise that the complainant might not be satisfied with the outcome if the meeting 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 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 if attendance is appropriate for a special needs pupils. We would normally expect the parent to be the advocate for the child. 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.

Policy agreed on: 10 May 2021

Committee: Teaching, Learning & Welfare

Author: Julia McIntosh, Head of School and Kim Taylor, Executive Headteacher

Website: Y