



# **HCAT**

# **Complaints Policy**

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1	Original	May 2024
2	Amendments to Stage 3 and updated time frames for dealing with Complaints.	June 2025
3	Updated to reflect the use of AI	January 2026

# HCAT Complaints Policy

## 1. Introduction

HCAT is dedicated to maintaining positive relationships with parents, carers, and the community. We value open communication and take all complaints seriously. This policy outlines the procedures for addressing complaints in a fair, transparent, and timely manner and in accordance with Department for Education (DFE) guidelines.

## 2. Scope and Application

This policy applies to all schools within HCAT and covers complaints relating to school provision, facilities, and services. It aligns with Section 29 of the Education Act 2002 and DFE guidance on handling complaints.

## 3. Who Can Make a Complaint?

Any person directly affected by the services provided by HCAT schools, including parents, carers, and members of the public, may lodge a complaint. Third parties acting on behalf of the complainant must provide written consent to do so. Anonymous complaints will not be considered.

## 4. Stages of the Complaints Process

Prior to raising a concern with a Head of School or Principal, the complainant should wherever possible speak with the member of staff involved to discuss the issue at hand as often, concerns can be resolved through an informal conversation.

### Use of Artificial Intelligence (AI) in Complaints

The Trust recognises that some complainants may use Artificial Intelligence (AI) tools to help draft concerns or complaints. While this can be helpful, complaints generated in this way may sometimes be overly detailed, include incorrect references to legislation, or lack clear explanation of how the issues relate specifically to the school.

To ensure concerns can be considered fairly and efficiently, the school may ask complainants to clarify or re-present their complaint where AI use is suspected. This may include asking the complainant to:

- Clearly separate the complaint into individual points
- Explain how any referenced legislation or guidance applies to their specific concern
- Use clear, concise language
- Provide relevant, dated evidence rather than general statements
- Outline, where appropriate, the outcome they are seeking

This approach helps to understand concerns fully and respond appropriately within available time and resources.

## Stage 1: Informal Concern – verbal or via email

Contact should be made with the appropriate Head of School or Principal to discuss the concern in the first instance. All efforts will be made to resolve the issue informally and promptly.

Timeframe: Ideally an informal complaint should be resolved within 15 school days of the concern being raised.

Possible outcomes: 1) The concern is resolved informally and closed.

or

2) The complainant is not satisfied and moves to stage 2 of the process.

\*Please note that there are specific complaints that are not within scope of this policy (see Appendix 3)

## Stage 2: Formal Complaint in writing or email using the official HCAT complaint form (Appendix 1)

If concerns continue and cannot be resolved informally, submit a formal complaint using the HCAT complaint form to - feedback@hccademytrust.education for the attention of the designated Complaints Officer.

Clearly outline the nature of the complaint, including relevant details and supporting evidence.

Timeframe: A complaint must be lodged within 3 months of the incident.

If the concern meets the criteria defining a formal complaint an investigation into the issues raised will be undertaken (see Appendix 4 for unreasonable complaints), and a written response will be provided to the complainant detailing the findings usually within 15 school days following the completion of Stage 1.

There are 3 possible outcomes to complaints managed at Stage 2 of the policy: -

- no evidence to support the complaint; or
- valid in part; or
- valid in total.

Outcome: 1) The complaint is resolved at stage 2 and closed.

2) The complainant is not satisfied and may request an independent review of the case.

## Stage 3: Independent Review Panel (Appendix 2)

If the complainant remains dissatisfied with the outcome of their formal complaint at Stage 2, they may request an Independent Review. This request must clearly outline the complainant's reasons for seeking a review and explain why they believe the complaint remains unresolved.

The complainant must submit their request for an Independent Review within 5 school days of receiving the Stage 2 response.

The review will be conducted by an Independent Panel comprised of Directors from the Board of Trustees who have had no prior involvement in the case. While the panel is independent of the school to which the complaint relates, the members may be part of the wider Trust governance structure.

The panel will carefully consider the request for a review and determine the appropriate course of action, which may include:

1. **No Valid Grounds for Review:** The panel may determine that there are no valid grounds for review, and therefore, the original outcome will remain unchanged. In such cases, the complainant will be informed in writing, and the Board will close the case.
2. **Reinvestigation of Complaint:** Alternatively, the panel may decide to reinvestigate some or all aspects of the complaint process. Independent members of the panel will assess the grounds for an independent review and decide whether a formal hearing is necessary. If a formal hearing is not required, the panel will make a decision and communicate it to the complainant through a review outcome letter.

Timeframe: The request for an Independent Review must be made within 15 school days of receiving the response to the formal complaint.

Possible outcomes:

- 1) The independent panel upholds the findings of the investigation.
- 2) The independent panel overturns the findings of the investigation.

## **5. Timescales for raising a complaint**

Complaints must be raised within the specified timeframes set out at each stage of the policy to ensure timely resolution. Complaints received during school/college closure will be considered as received on the first school day following the period of closure.

## **6. Record keeping and confidentiality**

All complaints and actions taken will be documented in writing. Confidentiality will be maintained throughout the complaints process, except where disclosure is required by law.

## **7. Conclusion**

HCAT is committed to addressing complaints in a transparent, fair, and timely manner, following the guidelines set forth by the Department for Education. By providing clear procedures and timeframes, we aim to uphold our commitment to excellence in education and community engagement.

## Appendix 1 - Stage 2: HCAT Formal Complaint Form



### Stage 2: HCAT Formal Complaint Form

Please complete and return for the attention of the Complaints Officer who will acknowledge receipt and explain what action will be taken.

<b>School name:</b>
<b>Your name:</b>
<b>Student name:</b>
<b>Your relationship to the student:</b>
<b>Address:</b>
<b>Day time telephone number:</b>
<b>Evening telephone number:</b>
<b>Mobile telephone number:</b>
<b>E mail address:</b>
<b>Please give the details of your complaint (attach additional sheets if necessary:</b>
<b>What action, if any, have you already taken to try to resolve your complaint. Who did you speak to and what was the response?</b>

**What outcome would you like to see from the school/college to address your complaint?**

**e.g. An apology; an explanation of what went wrong; a practical action to correct the problem; recommendations to the school/college to avoid a similar situation happening again.**

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

**Signature:**

**Date:**

**Date received in school:**

**Acknowledgment sent on:**

**by:**

## Appendix 2 - Stage 3: HCAT Complaint Independent Review Form

Available on request from [feedback@hcacademytrust.education](mailto:feedback@hcacademytrust.education)



### Appendix 3: Complaints not in the scope of this complaint's procedure

This procedure covers all complaints about any provision of community facilities or services by HCAT Trust school's, 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 Barnsley Local Authority.</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). LADO – 01226 772341 or MASH 01226 772423 – mash@barnsley.gov.uk</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>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>Other concerns can be raised directly with Ofsted by telephone on 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to:</p> <p>WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>

<ul style="list-style-type: none"> <li>• Staff grievances</li> </ul>	Complaints from staff will be dealt with under the school's/ college internal grievance procedures.
<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, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member because of a complaint.</p> <p>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 / College premises or facilities</li> </ul>	Providers should have their own complaints procedure to deal with complaints about their service. Please contact them directly.
<ul style="list-style-type: none"> <li>• National Curriculum - content</li> </ul>	<p>Please contact the Department for Education at:</p> <p><a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></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.

### **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'.

Where a parent/carer raises an issue, it will be important to establish whether the parent/carer has a concern regarding a particular issue which they wish to be addressed, or whether the parent/carer has a complaint which they would like investigating.

Sometimes parents/carers use the term 'complaint' which in fact is a concern that can be dealt with quickly and informally, normally by arranging a meeting with school leaders.

### **Raising a complaint with the DfE**

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

### **Raising a complaint with Ofsted**

Ofsted will not usually consider a complaint if the parent/carer has not in the first instance followed the school's complaints procedure.

### **Referring the complaint to the Secretary of State**

If the parent/carer considers that the Trust have acted unreasonably, they can write to the Secretary of State for Education. Complaints are handled by the Department for Education (DfE). The DfE role is not to investigate individual complaints, but to ensure that the school's published policy is correct and that all the procedures were followed within the timescales and the parent/carer was provided with an outcome to their complaint.

## Appendix 4: Unreasonable Complaints

HCAT is committed to dealing with all complaints fairly and impartially, and to providing an efficient and high-quality service to those who complain. We do not expect our staff to tolerate unacceptable behaviour and we will take action to protect staff from such behaviour, including behaviour which is abusive, offensive or threatening.

HCAT defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the school, hinder the consideration of their or other people's complaints'.

A complaint may be regarded as unreasonable when the person making the complaint: -

- 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 co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- refuses to accept that certain issues are not within the scope of a complaint's procedure.
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- introduces trivial or irrelevant information which the complainant expects to be considered and commented on or raises a high volume of detailed but irrelevant questions, and insists they are fully answered, often immediately and within 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 a complaint where the school's complaint's 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 time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email or by telephone whilst the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does acts either face-to-face, by telephone or in writing: -

- maliciously
- aggressively
- using threats, intimidation or violence
- using abusive, offensive or discriminatory language
- By knowingly submitting a false claim
- using falsified information
- publishing unacceptable information in a variety of media such as in social media websites and newspapers

Complainants should limit the number of communications with the school while a complaint is being progressed. It is unhelpful if repeated correspondence is sent (either by letter, phone, email or text) as this could delay the outcome being reached and communicated.

Whenever possible, the Complaints Officer will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If inappropriate behaviour continues the Complaints Officer will write to the complainant explaining that their behaviour is unreasonable and asking them to refrain. For complainants who excessively contact the school causing a significant level of disruption, the Trust may decline to investigate the complaint.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the school premises and grounds.

### **Barring from the School Premises**

Where a complainant's behaviour continues to be unreasonable despite the steps outlined above, the matter may be escalated under the HCAT *Habitual, Malicious or Vexatious Interactions Policy*.

This policy sets out the process by which the Trust may formally designate a complainant as habitual, malicious or vexatious.

Any such designation will be subject to review every six months, as detailed in that policy.

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools and colleges will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent/carer's behaviour is a cause for concern, a school or college can ask them to leave the premises. In serious cases, the CEO will notify the individual in writing that their implied license to be on the premises has been temporarily revoked subject to any representations that the parent may wish to make. Schools/colleges should always give the parent/carer the opportunity to formally express their views in writing on the decision to bar.

The decision to bar should then be reviewed, considering any representations made by the parent/carer, and decide to either confirm or lift the ban. If the decision is confirmed the parent/carer should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Complaints Officer. However, complaints regarding barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the courts; independent legal advice must therefore be sought.