



Education

Complaints Policy

| | |
|---------------------------|-------------------|
| Document title: | Complaints Policy |
| Version number: | 3.0 |
| Policy Status | Approved |
| Date of Issue | June 2019 |
| Date to be revised | June 2021 |

Revision Log (last 5 changes)

| Date | Version No | Brief detail of change |
|-------------|-------------------|--|
| May 15 | 1.0 | Reviewed and reformatted for new Trust Portal |
| May 16 | 1.1 | Reviewed to reflect new DfE best practice guidance dated Jan 2016 |
| May 18 | 1.2 | Reviewed and amended to reflect inclusion of Executive Director or Principal in the process. |
| April 19 | 2.0 | Reviewed following changes to the Trust leadership structure to include Academies Directors. Reviewed to include feedback received from the Education and Skills Funding Agency (ESFA). |

Complaints Policy

At Leigh Academies Trust, all staff are dedicated to providing all students with the best possible education and will aim to care properly for their health, safety and welfare at all times. We are committed to working closely with parents and believe that each academy should work in partnership with parents, each carrying out their particular responsibilities to help the students gain the most from their time at the academy. This policy pertains to each academy, and all other elements of the Trust. **It relates only to complaints from parents or carers with responsibility for children at one of the Trust's academies, in line with part 7 of the Education (Independent School Standards) Regulations 2014. Other complaints will be dealt with courteously and seriously, but may not necessarily follow the procedure outlined in this policy.**

1. Statement of Policy

- 1.1 The academy must be clear about the difference between a concern and a complaint. The Department for Education (DfE) defines a concern as '*an expression of worry or doubt over an issue considered to be important, for which reassurances are sought*'. It defines a complaint as '*an expression of dissatisfaction, however made, about actions taken or lack of action*'. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.
- 1.2 Concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher, or the individual delivering the service in the case of extended academy provision, will receive the first approach. Staff should try to resolve issues on the spot, including apologising where necessary.

2. Dealing with Complaints: Formal Procedures

- 2.1 Formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

3. Framework of Principles

- 3.1 An effective complaints procedure will:
 - encourage resolution of problems by informal means wherever possible;
 - be easily accessible and publicised;
 - be simple to understand and use;
 - be impartial;
 - be non-adversarial;
 - allow swift handling, with established time-limits for action and keeping people informed of progress;
 - ensure a full and fair investigation by an independent person, where necessary;
 - respect people's desire for confidentiality;

- address all the points at issue and provide an effective response and appropriate redress, where necessary and
- provide information to the academy's senior management team so that services can be improved.

4. Investigating Complaints

4.1 At each stage, the person investigating the complaint should ensure that they:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- collect information pertinent to the complaint raised;
- when appropriate, interview those involved in the matter and/or those who are the subject of the complaint, allowing them to be accompanied if they wish;
- conduct any interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview.

5. Resolving Complaints

5.1 At each stage in the procedure, the academy and/or trust will consider ways to resolve a complaint. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review academy policies in light of the complaint.

5.2 Complainants should be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the academy could have handled the situation better is not the same as an admission of negligence. It is important to clarify any misunderstandings that might have occurred in order to create a positive atmosphere in which to discuss any outstanding issues.

6. Serial and Persistent Complaints

6.1 There will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Trust may inform them in writing that the procedure has been exhausted and that the matter is now closed. This will be done in line with the Trust policy for dealing with unreasonable complaints.

6.2 The decision to stop responding to a complainant should never be taken lightly. An academy needs to be able to say yes to all of the following:

- The academy has taken every reasonable step to address the complainant's needs;
- The complainant has been given a clear statement of the academy's position and of their options (if any); and

- The complainant is contacting the academy repeatedly but making substantially the same points each time.

6.3 The academy's case is stronger if it agrees with one or more of the following statements:

- It has reason to believe that the individual is contacting them with the intention of causing disruption or inconvenience;
- The complainant's communications are often or always abusive or aggressive; and/or
- The complainant makes insulting personal comments about or threats towards staff.

6.4 Academies should not stop responding just because a complainant is difficult to deal with or asks complex questions. In most circumstances, it is the subject matter that does not warrant a response, not the correspondent.

7. Time Limits

7.1 Complaints will be considered and resolved as quickly and efficiently as possible. Realistic time limits for each action within each stage are defined. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

7.2 Complaints must be presented to an academy or the Trust, **within three months** of the incident arising. However, the Trust recognises that there may be extenuating circumstances where this is not possible and will be flexible in its application of this time limit, where appropriate.

7.3 A complaint will be deemed closed unless a request for further action is received within 20 working days of the last communication from the academy or Trust relating to the complaint.

8. The Formal Complaints Procedure

8.1 The Stages of Complaints

8.1.1 At each stage, clarification of exactly who will be involved, what will happen and how long it will take must be communicated. There may, on occasion, be the need for flexibility - for example, there may be a need for further meetings between the complainant and the member of staff directly involved or further investigations may be required by the Principal after a meeting with the complainant.

8.1.2 The following stages are likely to be sufficient:

- Stage One: Complaint heard by staff member (although not the staff member who is the subject of the complaint);
- Stage Two: Complaint heard by the Principal;
- Stage Three: Complaint heard by the Trust Academies Director with responsibility for the respective academy;
- Stage Four: Complaint heard by the Academies Board Complaints Panel.

8.1.3 If a complaint concerns the conduct of the Principal or a Governor, or where the Principal or a Governor has been involved in the issue previously, the process for dealing with this complaint must be explained. Section 8.3 of this document explains the procedure for dealing with complaints relating to a Principal or Governor.

8.2 Managing and Recording Complaints

- 8.2.1 A complaint may be made in person, in writing or by completing an online complaint form. At the end of a meeting, the member of staff should ensure that the complainant and the academy have the same understanding of what was discussed and agreed. A brief note of meetings should be kept and a copy of any written response added to the record.
- 8.2.2 The relevant academy Principal and/or Trust Complaints Coordinator are responsible for the records and must hold them centrally. All correspondence, statements and records of complaint must be kept confidential, but must be shown to Her Majesty's inspector (HMI) when they inspect. Copies must also be made available to the registration authority on request.
- 8.2.3 A written record of all complaints at Stages 1 and 2 will be kept by the academy, and for stages 3 and 4 by the Trust. This will include details of whether they were resolved following a formal procedure, or progression to a Academy Board Complaint Panel. This information will be available for inspection by the Academies Director or Academy Principal. A copy will be provided to the complainant and, where relevant, the person who is the subject of the complaint.
- 8.2.4 The academy will record the action that it takes as a result of complaints (regardless of whether they are upheld).
- 8.2.5 The Trust will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole Trust must not name individuals.
- 8.2.6 Information relating to complaints, including any personal data, findings, recommendations, written records or correspondence of statements remains subject to the provisions of other legislation [e.g. the GDPR Regulation(2018), Data Protection (2011) and Freedom of Information Act (2000)] and should follow the Trust Data Protection Policy.
- 8.2.7 Statements and records relating to individual complaints are to 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.
- 8.2.8 The process of listening to and resolving complaints will contribute to academy improvement. When individual complaints are heard, underlying issues that need to be addressed may arise. The monitoring and review of complaints by the academy and the governing body can be a useful tool in evaluating an academy's performance.

8.3 Complaints Procedure

Stage One: Complaint heard by Staff Member

It is in the interests of everyone that complaints are resolved at the earliest possible stage. The complainant's experience during the first contact with the academy can be crucial in

determining whether the complaint will escalate. To that end, if staff are made aware of the procedure, they will know what to do when they receive a complaint.

The academy should respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, academy leaders can refer the complainant to another staff member. Where the complaint concerns the Principal, it should be referred directly to the Academies Director.

The academy leadership team must ensure fair and impartial consideration of all complaints and ensure that complainants are provided with well-considered responses to their concerns within the appropriate timescales. Complainants can contact a designated academy leader to discuss the progress of their complaints, or to indicate that they wish their complaints to be considered further at the next stage. The academy will maintain a record of all complaints referred to it and will ensure that all correspondence, statements and records of any such complaints are kept confidential. Upon receipt of any complaint about an academy, a response will be sent to the complainant within ten working days.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the academy Principal or other senior leader may consider referring the complainant to another staff member. While the member of staff may be more senior, this is not a requirement. The ability to consider the complaint objectively and impartially is paramount.

Where the first approach is made to a governor, the governor must refer the complainant to the appropriate person and advise the complainant about the procedure. Governors must not act unilaterally on an individual complaint outside the formal procedure, or be involved at the early stages, in case they are needed to sit on an impartial panel at a later stage of the procedure.

Stage 2: Complaint heard by Principal

If, after stage one, the complainant does not feel that their concern has been properly addressed, or if their concern relates to a particular teacher, the matter should be raised with the principal of the child's academy. Upon receipt of the complaint, the matter is to be fully reviewed and a response sent to the complainant within ten working days. This response may invite the complainant to a meeting to discuss the matter further to try to achieve a satisfactory resolution. The principal may delegate the task of collating the information to another staff member, but may not delegate the decision on the action to be taken.

Stage Three: Complaint heard by Academies Director

If the complainant remains dissatisfied following stage two, or if the complaint relates to the principal, the complaint may be raised with the Trust executive team. Upon a complaint being referred, the LAT Complaints Coordinator or the Academies Director will undertake a separate investigation into the circumstances of the complaint. Where there is a complaint in relation to a governor, this will be investigated by a member of the Trust executive team in consultation with the Chair of the Academy Board or Chair of the Trust Board, as appropriate. A response will be sent to the complainant within ten working days. The complainant may be

invited to a meeting to discuss the matter further with a view to achieving a satisfactory resolution.

Stage Four: Complaint heard by Academies Board Complaints Panel

If still dissatisfied after stage three, the complainant will be advised of their right to make a formal complaint by writing to the LAT Complaints Coordinator, at stage four. The letter should set out details of the complaint, together with the reasons for the complainant's continued dissatisfaction.

Upon receipt of a formal complaint, the LAT Complaints Coordinator will arrange for all information on the complaint to be collated and for a Academies Board Complaint Panel, **comprising at least three members**, to be conveyed within 20 working days. None of the members of the Complaint Panel will have been directly involved in any previous consideration of the complaint. **At least one** of the members of the Complaints Panel will be independent of the management and running of the academy. **The independent panel member will not be a member, or employee of the academy, although s/he may be a governor of another academy within the Trust with no conflict of interest or prior knowledge of the case.**

The appeal hearing by the Academies Board Complaint Panel is the last Trust-based stage of the complaints process and will review the earlier stages of the process, together with any additional information that is available.

Individual complaints are not heard by the whole Academies Board at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The complainant will be invited to the appeal hearing of the Academies Board Complaint Panel and will be given at least seven days' notice in writing of the time and venue of the hearing. Complainants will also be advised that, if they wish, an appropriate friend or adviser may accompany them to the appeal hearing. **As the hearing is not intended to be a legal process, this person should not be a solicitor or lawyer. Nevertheless, it is recognised that there may be occasions where legal representation may be appropriate - for example, if an academy or Trust employee is a witness in a complaint, they may be entitled to bring union or legal representation.**

Should the complainant feel that the complaint has not been handled correctly, the complainant can contact the Education and Skills Funding Agency (ESFA).

8.4 The Aim and Remit of the Complaints Appeal Panel:

The aim of the panel hearing should be reconciliation and to put right things that might have gone wrong.

The Academies Board Complaint Panel can:

- 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; and/or

- recommend changes to the academy's systems or procedures to ensure that similar problems do not recur.

8.4.1 Governors and any independent members of the panel will keep certain points clearly in mind:

- a. It is important that the hearing is independent and impartial and that it is seen to be so. No governor may sit on the Complaints Panel if they have had a prior involvement with the complaint in question or in the circumstances surrounding it. Members of the Complaints Panel who feel that their independence might be compromised in this or any other way must draw this to the attention of the LAT Complaints Coordinator. In arranging the makeup of the panel, the LAT Complaints Coordinator must try to ensure that members are sensitive to issues of race, gender and religious affiliation;
- b. The aim of the hearing, which will be held in private, will always be to resolve the complaint and to achieve reconciliation between the academy and the complainant. However, it is recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. In some cases, it may only be possible to establish the facts and make recommendations that will satisfy the complainant that his or her complaint has been taken seriously;
- c. Extra care needs to be taken when the complaint directly concerns a student. The Complaints Panel must be aware of the views of the student and must give them equal consideration to those of adults. Where the student's parent is the complainant, the panel will consider which parts of the hearing, if any, it might be helpful for the student to attend; and
- d. Governors sitting on the Complaints Panel must be fully aware of this complaints procedure, **with a guidance document provided in advance to assist them.**

8.5 Roles and Responsibilities

8.5.1 The Role of the LAT Complaints Coordinator

The coordinator is the contact point for the complainant at stage four and is required to:

- set the date, time and venue of the hearing, ensuring where possible that the dates are convenient to all parties and that the venue and proceedings are accessible;
- ensure that the Complaints Panel is convened within 20 working days of receipt of the notice of formal complaint, unless all parties agree to any further deferral;
- collate any written material and send it to the parties in advance of the hearing;
- notify all parties in writing of the panel's decision and of any recommendations within 20 working days of the hearing;
- ensure that copies of all the written records of the hearing are included on the Complaints Co-ordinator's confidential file.

8.5.2 The Role of the Clerk

- meet and welcome the parties as they arrive at the hearing; and
- record the proceedings and outcomes of the hearing;
- **advise on procedural issues;**
- **draft a letter to the complainant after the meeting, for approval by the Chair of the Complaints Panel, informing them of the Panel's decision; and**

- draft the minutes of the meeting of the Complaints Panel for approval by the Chair of the Panel.

8.5.3 The Role of the Academies Director or Nominated Executive

- check that the correct procedure has been followed; and
- if a hearing is required, notify the LAT Complaints Coordinator to arrange the panel.

8.5.4 The Role of the Chair of the Panel

The Chair of the Complaints Panel has a key role in ensuring that:

- the remit of the panel is explained to the parties and that each party has the opportunity to put their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- any friend or adviser accompanying the parent/carer is advised of their role and of how the panel will arrange for their contribution to proceedings;
- the hearing is conducted in an informal manner and each party treats the others with respect and courtesy;
- the panel is open-minded and acts independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- at least one member of the panel is independent of the management and running of the academy;
- each side is given the opportunity to state their case and ask questions; and
- written material is seen by all parties. If a new issue arises, all parties must be given the opportunity to consider and comment on it.

8.5.5 Outcome of the Complaints Panel Hearing

The Chair of the complaints panel needs to ensure, via the LAT Complaints Coordinator, that the complainant is notified of the panel's decision and any recommendations, in writing, within 20 working days. The letter will explain if there are any further rights of appeal and, if so, to whom they need to be addressed. **Copies of the minutes will also be provided to the complainant as failure to do so may lead to a further complaint. The complainant may also be entitled to them, subject to any necessary redactions, under the Data Protection Act 2018 and GDPR.**

8.6 Checklist for a Panel Hearing

The panel needs to take the following points into account:

- the hearing should be as informal as possible;
- witnesses are only required to attend for the part of the hearing in which they give their evidence;
- after introductions, the complainant is invited to explain their complaint, followed by their witnesses;
- the Principal may question both the complainant and the witnesses after each has spoken;
- the Principal is then invited to explain the academy's actions, followed by the academy's witnesses;

- the complainant may question both the Principal and the witnesses after each has spoken;
- the Panel may ask questions at any point;
- the complainant is then invited to sum up their complaint;
- the Principal is invited to sum up the academy's actions and response to the complaint;
- both parties leave together while the panel decides on the issues; and
- the Chair explains that both parties will hear from the panel within a set time scale.

8.9 **Outcomes**

The Trust will maintain a record of outcomes and recommendations of a Academy Board Complaints Panel as outlined in 8.2.3 and 8.2.4.