



**LEADING
LEARNERS**
Academy Trust

COMPLAINTS POLICY

LEADING LEARNERS TRUST

Policy Reviewed October 2018

Approved by Trust Board (Date)

Purpose of the Complaints Procedure

This policy statement sets out the approach of Leading Learners Trust, and the academies within this Trust, to dealing with parental concerns and complaints.

We value good home/academy relations and will, therefore, do everything we can to establish and maintain them. This includes seeking to resolve any concerns or complaints promptly, and to the satisfaction of all concerned.

We welcome feedback on what parents feel we do well, or not so well, as individual academies and as a Trust. We will consider carefully all feedback, whether positive or negative, and will review our policies and practices accordingly.

All staff, along with members of each school's Governing Body, will receive a copy of this policy statement and will be familiar with the academy's procedures for dealing with parental concerns and complaints, to which they will have access as required.

The policy is available on each academy website and by request to parents. These procedures will be reviewed regularly and updated as necessary.

Staff and governors will receive training in handling parental concerns and complaints as appropriate. This may be on an individual basis, or as a group activity for all staff, or for specific groups.

The Department for Education and The Education, Skills and Funding Agency advocate resolution of parental concerns and complaints at academy level wherever possible, in the interests of maintaining good home / academy relations.

Please note that some complaints might be dealt with in other policies, for example, complaints involving child protection or pupil exclusion.

Scope of the Procedure

1. A complaint is defined as a clear statement of dissatisfaction about any specified aspect of the academy's work.
2. This procedure deals with specified day-to-day complaints against the management and/or operation of the academy which fall outside the scope of the following procedures:
 - Complaints which have an alternative statutory avenue of appeal or complaint, i.e. admissions, exclusions, SEN assessments, Section 409 Curriculum Complaints and those covered by the Education (School Records) Regulations 1989.
 - Serious complaints which must be dealt with by specific employment procedures e.g. allegations of professional abuse, criminal offences or those that are potentially staff disciplinary issues.

- Complaints about safeguarding referrals which the academy is statutorily required to make
3. Complainants may be anyone with an interest in the work of the academy e.g. parents, guardians, grandparents, neighbours of the academy. However, it is expected that it will be mainly parents or carers who will make use of this procedure. The term 'parent' is therefore used throughout the procedure as a generic term but the procedure also applies in relation to any other type of complainant.
 4. Complaints may be made by telephone, e-mail, in person or in writing.
 5. An anonymous concern or complaint will not be investigated under this procedure unless there are exceptional circumstances

General

1. The procedure is intended to allow a parent/carer to raise a concern or complaint relating to the academy or Trust.
2. In general, any matter raised three months after the event will not be considered
3. We will treat all concerns and complaints seriously and respectfully and will advise parents and others of the procedures for dealing with their concerns. In return, we expect parents and other complainants to behave respectfully towards all members of the academy's community. In particular, any disagreement with the academy should not be expressed inappropriately or in front of pupils.
4. Whilst we will seek to resolve concerns and complaints to the satisfaction of all parties, it may not be possible to achieve this in every case. We will, therefore, use our option to close a complaint before all the stages of the Complaints Procedures have been exhausted, if this appears to be appropriate. If the parent seeks to re-open the same issue, the academy reserves the right to inform him/her in writing that the procedure has been exhausted and the matter is closed.
5. Records of all conversations and meetings with parents to resolve complaints will be kept. At a Governors' Complaints Panel meeting, minutes will be taken. To help prevent recurring complaints, copies of correspondence and notes will be kept on file in the academy's records, separately from individual pupil records. These will be treated as 'confidential.'
6. If at any stage in the procedure it becomes apparent that the complaint falls outside of this general complaints procedure, parents will be informed.

The Complaints Procedure

Stage One: Informal Stage – Your initial contact with the academy

1. Many concerns will be dealt with informally when you make them known to us. The first point of contact should be your child's class teacher. In the case of more serious concerns it may be appropriate to address them directly to the Key Stage Lead, Deputy Headteacher or Headteacher. In the case of a complaint against the Headteacher, this stage will always be heard directly by the Executive Headteacher or CEO.
2. Once your concern is made known to us, we will contact you, as soon as possible and within **five working days**, to acknowledge receipt of your complaint. We may need

to make some enquires as outlined in points 3 and 4. We do, however, endeavour to resolve complaints at Stage 1 as swiftly as possible.

3. If necessary, we will contact appropriate people who may be able to assist us with our enquiries into your concern.
4. We will normally update you on the progress of our enquiries within **ten working days**.
5. If you are still dissatisfied following this informal approach, your concern will become a formal complaint and we will deal with it at Stage Two.

Stage Two - formal consideration of your complaint

If your concern or complaint is not resolved at Stage One (informal stage) you may choose to put it in writing to the Headteacher who will be responsible for ensuring it is investigated appropriately.

1. Normally, your written complaint should be addressed to the Headteacher. If, however, your complaint concerns the Headteacher personally, it should be sent to the academy marked, "For the attention of the Chair of Governors". A complaint form is attached to this policy to assist you. (Appendix 1) It is important that you include a clear statement of the actions you would like the academy to take to resolve your concern. Without this it is much more difficult to proceed. This form should be sent to the relevant person within **ten working days** of our stage one decision.
2. We will acknowledge your complaint in writing as soon as possible after receiving it (within **five working days**) and we will enclose a copy of these procedures with the acknowledgement.
3. As part of our consideration of your complaint, we may invite you to a meeting to discuss the complaint and fill in any details required. If you wish, you can ask someone to accompany you to help you explain the reasons for your complaint.
4. The Headteacher, or the person investigating your complaint, may also be accompanied by a suitable person if they wish.
5. Following the meeting, Headteacher or the person investigating the complaint will, if necessary talk to witnesses and take statements from others involved. If the complaint centres on a pupil, we may talk to the pupil concerned and, where appropriate, others who were present at the time of the incident in question.
6. We will sometimes talk to pupils with a parent or carer present, unless this would delay the investigation of a serious or urgent complaint, or where a pupil has specifically said that he or she would prefer the parent or carer not to be involved. In such circumstances, we will ensure that another member of staff, with whom the pupil feels comfortable, is present.
7. If the complaint is against a member of staff, it will be dealt with under the academy's internal confidential procedures, as required by law.
8. The Headteacher or person investigating the complaint will keep records of all meetings and telephone conversations, and other related documentation. This will be stored securely in a locked cabinet alongside other confidential documents. Once all the relevant facts have been established, **within ten working days** of receipt of your complaint, you will be sent a written response. This will give an explanation of

the decision and the reasons for it, and will explain how to progress your complaint to Stage 3 if you believe the matter has not been resolved adequately. If it is not possible to respond within ten working days, a letter will be sent explaining the reason for the delay and providing a revised target date.

9. If follow-up action is needed, we will indicate what we are proposing to do. We may invite you to a meeting to discuss the outcome as part of our commitment to building and maintaining good relations with you.
10. The person investigating your complaint may decide that we have done all we can to resolve the complaint, in which case we may use our discretion to close the complaint at this point.
11. All correspondence relating to the complaint will be stored securely and confidentially and any revisions the academy has made to its practice, if any, will be recorded.
12. If you are unhappy with the way in which we reached our conclusions, you may wish to proceed to Stage Three (Appeal), as described below.

Stage Three - Consideration by a Local Governing Body Appeal Panel

1. You will be advised that, in order to progress the complaint further at Stage 3, you must notify the clerk to the Local Governing Body within **ten working days**, with a copy of the original complaint form.
2. The Clerk will then ensure that you are offered the opportunity of taking the complaint to the Governors' Complaints Panel at Stage 3 of this Procedure.
3. This is a formal process, and the ultimate recourse at academy level.
4. The purpose of this arrangement is to give you the chance to present your arguments in front of a panel of two Governors and a person who is independent of the management and running of the academy. All of these people will have no prior knowledge of the details of the case and can, therefore, consider it without prejudice. Appendix 2 outlines how this panel will be constituted.
5. However, **the aim of a panel is not to rehear the complaint**. It is there to review how the complaint has been investigated and to determine whether this has been conducted fairly. It is there to establish facts and make recommendations which will reassure you that we have taken the complaint seriously.

The Governors' Appeal Panel operates according to the following formal procedures:

1. On receipt of your request to have your complaint heard by a Governors' Appeal Panel, we will confirm that we have received your letter and give you a date for the Appeal Hearing. The Governing Body of the academy will convene a panel containing two Governors and a third person who is independent of the management and running of the academy, and will aim to arrange for the panel meeting to take place within **twenty working days** of receiving your request for an Appeal Hearing. You will be notified by letter and this letter will inform you of the date, time and location of the Hearing, and provide an explanation of what will happen at the Hearing.
2. You will be asked whether you wish to provide any further written documentation in support of your appeal. If you do, then the academy will need to receive this at least **ten working days** before the Hearing.

3. The Headteacher, or person who led Stage Two, will be asked to prepare a written report for the panel, including any documentation and witness statements or list of witnesses. The panel can request additional information from other sources if necessary. You will receive copies of these papers at least **five working days** before the Hearing.
4. You are entitled to be accompanied to the Hearing. The choice of person to accompany you is your own, but it is usually best to involve someone in whom you have confidence but who is not directly connected with the academy. They are there to give you support but also to witness the proceedings and to speak on your behalf if you wish. They do not have to have a legal background.
5. If it is necessary, in the interests of the ratifying the investigative process, the person representing the academy may, with the agreement of the Chair of the panel, invite relevant witnesses directly involved in matters raised by you to attend the Hearing.
6. The Chair of the panel will bear in mind that the formal nature of the Hearing can be intimidating for you and will do his or her best to put you at your ease.
7. As a general rule, no evidence or witnesses previously undisclosed should be introduced into the meeting by any of the participants. If either party wishes to do so, the meeting will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.
8. The Chair of the panel will ensure that the meeting is properly minuted. Please understand that any decision to share the minutes with you, the complainant, is a matter for the panel's discretion and you do not have an automatic right to see or receive a copy as the minutes are the property of the Governing Body. Since such minutes usually name individuals, they are understandably of a sensitive and, therefore, confidential nature.
9. Normally, the written outcome of the Hearing, which will be sent to you, should give you all the information you require. If, however, you feel that you would like to have a copy of the minutes it would be helpful if you could indicate this in advance. If the panel is happy for the minutes to be copied to you, the person taking notes (the Clerk) at the Hearing can then be asked maintain confidentiality in the minutes.
10. During the meeting, you can expect there to be opportunities for:
 - The panel to hear you explain your case and your argument for why it should be heard at Stage Three;
 - The panel to hear from the person who investigated the complaint at Stage Two, in response;
 - You to raise questions via the Chair;
 - You to be questioned by the complaint investigator through the Chair;
 - The panel members to be able to question you and the person who investigated the complaint at Stage Two;
 - You and the person who investigated the complaint at Stage Two to make a final statement.
11. In closing the meeting, the Chair will explain that the panel will now consider its decision and that written notice of the decision will be sent to you and the person who investigated the complaint at Stage Two within **ten working days**. All participants other than the panel and the Clerk will then leave.

12. The panel will then consider the complaint and all the evidence presented in order to:
 - reach a unanimous, or at least a majority, decision on the case;
 - decide on the appropriate action to be taken, if necessary;
 - recommend, where appropriate, to the Governing Body changes to the academy's systems or procedures to ensure that similar problems do not happen again.
13. The Clerk will send you, the person at the centre of the complaint and the person who investigated the complaint a letter outlining the findings of the panel within **ten working days** of the Hearing. The letter will also explain that you are entitled to have the handling of the complaint reviewed by an external body – currently the Education, Skills and Funding Agency (ESFA). While this process is not strictly an appeal, it is an opportunity to seek the view of an official third party and the outcome, including any recommendations, may be helpful to you in seeking resolution of the complaint, through the Secretary of State for Education if necessary.
14. The person complained about will also receive a copy of the findings and recommendations of the panel.
15. We will keep a copy of all correspondence and notes on file in the academy's records but separate from pupils' personal records, for one year after your child has left the academy. These will be stored as 'confidential'. This documentation can be made available for inspection by the relevant Trust personnel if necessary and or the Headteacher (where s/he is not the subject of the complaint). The Secretary of State or a body conducting an inspection under section 109 of the 2008 Act can also request access to them.
16. Records will indicate whether the complaint has been resolved at an informal stage, Stage Two or proceeded to a Panel Hearing. Recommendations and any changes to policy and procedures will also be recorded, even if the complaint is not upheld.
17. Records will be stored in a locked cabinet and treated as confidential.

Closure of Complaints

Very occasionally, an academy will feel that it needs, regretfully, to close a complaint where the complainant is still dissatisfied.

Both the academy and the Trust, where appropriate, will do all we can to help to resolve a complaint against the academy but sometimes it is simply not possible to meet all of the complainant's wishes. Sometimes it is simply a case of "agreeing to disagree".

If a complainant persists in making representations to the academy – to the Headteacher, Chair of Governors or anyone else, this can be extremely time-consuming and can detract from our responsibility to look after the interests of all of the children in our care.

For this reason, we are entitled to close correspondence (including personal approaches, as well as letters and telephone calls) on a complaint where we feel that we have taken all reasonable action to resolve the complaint and that the complaint has exhausted our official process and, especially, where the complainant's action is causing distress to staff and/or pupils.

In exceptional circumstances, closure may occur before a complaint has reached Stage Three of the procedures described in this document. This is because a Complaints Panel takes considerable time and effort to set up and we must be sure that it is likely to assist the process of investigating the complaint. The academy may take this action if it can answer 'yes' to the following three questions

- have all reasonable steps been taken to resolve the complaint?
- has the complainant been provided with a statement of the academy's position and their options?
- are they contacting the academy repeatedly on substantially the same point?

The Chair of Governors may decide, therefore, that every reasonable action has been undertaken to resolve the complaint and that a complaints review panel would not help to move things forward.

This does not, of course, prevent you from referring your complaint to the ESFA for a review of the way it has been handled, with details being available on the internet

Appendix 1 – Complaints Recording Form

Academy Complaints Recording Form

Name of Academy

Contact Information

Personal Details

Name

Address

.....

Postcode

Daytime telephone number

Evening telephone number

If applicable, name of child(ren) and year at school

.....

Your relationship to the school, e.g. parent, carer, neighbour, member of the public, student:

.....

Please give details of your complaint (continue on another sheet if necessary)

What action, if any, have you already taken to try and resolve your complaint? Who did you speak to, when and what was the response?

What actions do you feel might resolve the problem at this stage?

Signature

Date

Composition of the Governors' Complaints Panel

The Governor Complaints Panel will consist of three members, one of whom will be independent of the management and running of the school.

The two remaining members will be drawn in order from the following, subject to one of them being a Parent Governor, availability, no prior involvement with the complaint and no potential conflict of interest in the proceedings: -

- The Vice Chair of the Governing Body
- In the event that any additional governors are still required the Clerk to the Governing Body will seek to fill the place(s) in order of decreasing levels of service on the Governing Body.

No member of the GCP should have had prior involvement with the complaint. As the Chair of the Governing Body may be involved at an earlier stage in the procedure (particularly where the complaint is about the Headteacher) it may be wise not to include the Chair as a member of the GCP to avoid any possible reference to the Chair being "tainted".

It is not considered appropriate for the Headteacher to be a member of the GCP. The role of the Headteacher would be to attend the panel hearing to give evidence and s/he may choose to invite staff directly involved in matters raised by the complainant (subject to the approval of the Chair of the GCP).