

# Education

## Complaints Policy

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### Revision Log (last 5 changes)

Date	Version No	Brief detail of change
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).
Sept 20	3.0	Reviewed and amended in line with latest ESFA guidance.
July 21	4.0	Reviewed and amended to reflect changes to complaints involving a managed move.
Sept 22	5.0	Reviewed. No amendments
April 23	5.0	Reviewed and amended to include findings of panel under stage 4.
June 23	6.0	Reviewed and amended following further training and review of complaints post pandemic.
June 2024	7.0	Reviewed to reflect minor changes to responsibility of CO.

## 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, 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

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.

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 whenever possible.

This policy **does not** cover complaints procedures relating to:

- Admissions;
- Academy reorganisation proposals;
- Statutory assessments of special educational needs and disabilities (SEND);
- Exclusion and suspension;
- Whistle-blowing
- Staff grievances;
- Staff discipline (where a complaint leads to disciplinary action being taken this is usually kept confidential from the complainant);
- Complaints about services provided by other providers who may use Academy premises or facilities;
- Complaints about the curriculum;
- Complaints about collective worship;
- Withdrawal from the curriculum.

### 2. Dealing with Complaints: Formal Procedures

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

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

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

- What has happened
- What should have happened
- Who was involved
- What the complainant feels would put things right

This may involve:

- Meeting with or contacting the complainant if further information or clarifications are required
- Interviewing those involved in the matter, including those subject to the complaint when appropriate
- Collecting any information pertinent to the complaint

Where a managed move is in place at Leigh Academies Trust, the complaint can only be brought through the academy at which the student is enrolled.

#### 5. Resolving Complaints

At each stage in the procedure, the academy and/or trust will consider ways to resolve a complaint. We **will approach the resolution of each complaint in a constructive, fair and open minded manner and expect complainants to act in a similar reasonable fashion.**

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. Time Limits

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.

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.

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.

## **7. The Complaints Procedure**

### **7.1 The Stages of Complaints**

To ensure fair, reasonable and timely consideration of complaints, it is essential that the academy and complainants adhere to the following stages of the process:

#### **Informal - complaint raised with member of staff**

- The complaint is raised with the relevant member of staff, either in person, or by letter, telephone or email. In most cases this person is likely to be the class teacher or pastoral or curriculum leader responsible for the area under complaint.
- It is usual for most complaints to be satisfactorily dealt with at Stage One.
- If the complaint is not resolved informally, the complainant can then raise a formal complaint (Stage One).

#### **First Review Stage (Formal) - complaint escalated to the Principal**

- The complainant should complete and submit the online complaint form to the Compliance Officer detailing the complaint and including relevant dates, times and names of witnesses of events. The complainant should also state what they feel would resolve the complaint.
- The Compliance Officer will inform the Principal of the complaint.
- Upon receipt of the complaint, the matter will be fully reviewed and a response sent to the complainant within ten days. This response may invite the complainant to a meeting to discuss the matter further to try to achieve a satisfactory resolution.
- The complainant may be accompanied to this meeting by a friend or relative and should inform the academy of the identity of their companion in advance.
- In certain circumstances, the academy may need to refuse a request for a particular individual to attend any such meeting - for example, if there is a conflict of interest. If this is the case, the academy will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.
- 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.
- If the complaint is still not resolved, the complaint will be passed to the relevant Academies Director for review at Trust level.

#### **Second Review Stage (Formal) - complaint escalated to the Academies Director for review**

- Upon escalation of a complaint, the relevant Academies Director will review all previous evidence and communications, and will prepare a formal response to the complainant, or alternatively will request a meeting.
- If the complaint is still not resolved, the complainant has the right to request further escalation to the LAT Compliance Officer, who will convene an Academies Board Complaints Panel.

#### **Final Review Stage (Formal) - complaint escalated to Academies Board Complaints Panel**

- The Complaints Panel will comprise at least three members and should be held within 20 working days of the complaint being escalated by the Compliance Officer.
- None of the members of the Panel will have been directly involved in any previous consideration of the complaint.
- At least one of the members of the 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 they may be a governor of another academy within the Trust with no conflict of interest or prior knowledge of the case.

- The complainant will be invited to the Academies Board Complaints Panel meeting 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.

The aim of the panel hearing should be reconciliation between the complainant and the academy and the 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;
- Recommend changes to the academy's systems or procedures to ensure that similar problems do not recur
- The panel will ensure that their findings and recommendations are communicated to those involved within 20 working days of the panel hearing.
- Should the complainant feel that the complaint has not been handled correctly, the complainant can contact the Education and Skills Funding Agency (ESFA).

## **7.2 If the complaint is about the Principal**

Where a complaint is made against the Principal, this should be directed to the Academies Director. The policy outlined above should then be followed from Stage 2.

## **7.3 If the complaint is about a member of the academy Board (Governor)**

Where a complaint is made against a member of the academy Board, this should be directed to the chair of the academy Board. The policy outlined above should then be followed from Stage 2.

## **7.4 If the complaint is about the CEO**

Where a complaint is made against the CEO, the complaint should be investigated by the Chair of the LAT Board. When the Chair has investigated the complaint, they will write the letter of outcome to the complainant and provide a copy to the CEO.

## **7.5 If the complaint is about a trustee**

Where a complaint is made against a trustee, the complaint should be investigated by the Chair of the LAT Board. When the Chair has investigated the complaint, they will write the letter of outcome to the complainant and provide a copy to the trustee.

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

- 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 Compliance Officer. In arranging the makeup of the panel, the Compliance Officer must try to ensure that members are sensitive to issues of race, gender and religious affiliation;
- 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;

- 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
- Governors sitting on the Complaints Panel must be fully aware of this complaints procedure, with a guidance document provided in advance to assist them.

## **7.7 Managing and Recording Complaints**

- Where a meeting takes place, notes should be taken and shared with the complainant to ensure both parties have the same understanding of what has been said. These notes and any other written information should be held by the academy and shared with the Compliance Officer. The relevant academy Principal and/or Compliance Officer 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 requested. Copies must also be made available to the registration authority on request.
- A written record of all complaint stages will be kept by the Trust. This will include details of whether they were resolved following a formal procedure, or progression to an Academies Board Complaints 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.
- The academy will record the action that it takes as a result of complaints (regardless of whether they are upheld).
- 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.
- 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.
- 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. Complaints where procedures have been exhausted**

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

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.

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.

Unreasonable behaviour which is abusive, offensive or threatening, is entirely unacceptable and will not be tolerated, and may also constitute an unreasonably persistent or vexatious complaint.

Once the academy has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email. This decision is not taken lightly and will be made in discussion with the Academies Director following a Stage 2 intervention. Academies must not stop responding just because an individual is difficult to deal with or asks complex questions.

The academy will ensure when making this decision that complainants making any new complaint are heard, and that the academy acts reasonably.

### **8.1 Continuous complaints**

Whenever possible, the Principal or Academies Director will discuss any concerns with the complainant informally before determining that the procedures and policy have been followed in full but the complainant refuses to accept the outcome (s).

If the behaviour continues, the Principal will write to the complainant explaining that their behaviour is inappropriate and ask them to change it. For complainants who excessively contact one of our Academies causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan.

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 barring an individual from the academy.

### **8.2 Barring from the academy Premises**

The public has no automatic right of entry to our academies. Academies will therefore act to ensure they remain a safe place for students, staff and other members of their community. If a parent's behaviour is a cause for concern, an academy can ask him/her to leave academy premises. In serious cases, the Principal or the trust can notify them in writing that their implied right to be on academy premises has been temporarily revoked subject to any representations that the parent may wish to make. Academies should always give the parent the opportunity to formally express their views on the decision to bar in writing.

The Principal's decision to bar entry should be reviewed by the Academies Director. They should take into account any representations made by the individual and decide whether to either confirm or lift the bar. If the decision is confirmed, the individual should be notified in writing, explaining:

- How long the ban will be in place
- When the decision will be reviewed

### **8.3 Complaint campaigns**

If an academy becomes the focus of a campaign and receives large volumes of complaints which are:

- all based on the same subject
- from complainants unconnected with the academy

The academy will respond by using the following strategies:

- sending a template response to all complainants

- publishing a single response on the academy website

The academy should inform the trust Compliance Officer (CO) so that similar events can be tracked across the trust estate in case of a wider campaign.

## **9 Roles and Responsibilities**

Complainant

The complainant will receive a more effective response to the complaint if they:

- Are clear what the complaint is about from the outset
- Explain what they feel might resolve the problem
- Cooperate with the academy in seeking a solution to the complaint
- Respond promptly to requests for information or meetings or in agreeing the details of the complaint
- Treat all those involved in the complaints process with respect
- Refrain from publicising the details of their complaint on social media and respect confidentiality

### **9.1 The Role of the LAT Compliance Officer**

The CO is the contact point for the complainant at the final review stage 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 confidential complaints file.

### **9.2 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.

### **9.3 The Role of the Academies Director**

- Review all aspects of the complaint if it has not been resolved at the initial stage review and the first stage review.
- Check that the correct procedure has been followed; and
- If a hearing is required, notify the LAT Compliance Officer to arrange the panel.

### **9.4 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.

### **9.5 Outcome of the Complaints Panel Hearing**

The Chair of the complaints panel needs to ensure, via the LAT CSO, 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.

### **9.6 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.

### **9.7 Outcomes**

The Trust will maintain a record of outcomes and recommendations of an Academies Board Complaints Panel as outlined in 7.8