



## Education

### Complaints Policy

<b>Document title:</b>	Complaints Policy
<b>Version number:</b>	1.1
<b>Policy Status</b>	Approved
<b>Date of Issue</b>	May 2016
<b>Date to be revised</b>	May 2017

#### Revision Log (last 5 changes)

<b>Date</b>	<b>Version No</b>	<b>Brief detail of change</b>
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

# Complaints Policy

In The Leigh Academies Trust, all the staff are dedicated to providing all the 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 procedure pertains to each Academy, and all other elements of the Trust.

## Formal Complaints

If a parent/carers wishes to make a formal complaint they should submit this in writing to:

The Clerk to the Governors,  
Leigh Academies Trust,  
Green Street Green Road,  
Dartford,  
Kent,  
DA1 1QE

### 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.
- 2.2 It may be necessary to nominate a Complaints Co-ordinator - i.e. a member of staff who has responsibility for the operation and management of the Academy's complaints procedure.

### 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;
- 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 (the Complaints Co-ordinator) 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;
- 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 the 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 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 Chair of the Governing Body may inform them in writing that the procedure has been exhausted and that the matter is now closed.

6.2 The decision to stop responding to a complaint 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;
- 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 must be set. 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 should be presented to Leigh Academies Trust as soon as possible after the incident arises, preferably within three months. 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.

## **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 some 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 or Vice-Principal;
- Stage Three: Complaint heard by the Chief Executive Officer (CEO), Deputy Chief Executive Officer (DCEO) or an Executive Director;
- Stage Four: Complaint heard by Governing Body's complaints appeal panel.

8.1.3 An unsatisfied complainant can always take a complaint to the next stage.

8.1.4 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 8.2.5 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 **Recording Complaints** - A complaint may be made in person, by telephone, or in writing. An example of a complaint form can be found at Annex A. At the end of a meeting or telephone call, 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 and telephone calls should be kept and a copy of any written response added to the record.

8.2.2 The Complaints Co-ordinator is 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 **Governing Body Review** - The Governing Body should 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 Governing Body must not name individuals.

8.2.4 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.

### 8.2.5 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, the Complaints Co-ordinator can refer the complainant to another staff member. Where the complaint concerns the Principal, the Complaints Co-ordinator can refer the complainant to the Chair of Governors, CEO, DCEO or an Executive Director.

The role of the Complaints Co-ordinator is to ensure fair and impartial consideration of all complaints and to ensure that complainants are provided with well-considered responses to their concerns within the appropriate timescales. Complainants can contact the Complaints Co-ordinator to discuss the progress of their complaints, or to indicate that they wish their complaints to be considered further at the next stage. The Complaints Co-ordinator will maintain a record of all complaints referred to him/her and will ensure that all correspondence, statements and records of any such complaints are kept confidential. Upon reference of any complaint to the Complaints Co-ordinator, a response will be sent to the complainant within ten working days (see section 7 above).

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Complaints Co-ordinator 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.

If, after doing this, 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 discussed informally with the Principal of the child's mini-school. If, after these discussions, the complainant remains dissatisfied and wishes their complaint to be considered further, they should refer it to the Complaints Co-ordinator, who is a designated member of the senior leadership team. Upon receipt of the complaint, the Complaints Co-ordinator will arrange for the matter to be fully reviewed and for a response to be sent to the complainant within ten working days. This response may invite the complainant to a meeting to discuss the matter further and to try to achieve a satisfactory resolution.

- **Stage Two: Complaint heard by Principal**

At this point, while pursuing their initial complaint, the complainant may be dissatisfied with the way the complaint was handled at Stage One. 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 CEO, DCEO or an Executive Director**

If the complainant remains dissatisfied following the two previous stages, or if the complaint relates to the Principal, the complaint may be raised with the Trust Executive

team. Upon a complaint being referred to the CEO, s/he or, in his/her absence, the DCEO, will arrange for 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; this may invite the complainant to a meeting to discuss the matter further with a view to achieving a satisfactory resolution.

● **Stage Four: Complaint heard by Governing Body's Complaints Appeal Panel**

If still dissatisfied after Stage Three, the complainant will be advised of their right to make a formal complaint by writing to the Chair of Governors, via the Clerk to Governors, at Stage Four. The letter to the Chair of Governors should set out details of the complaint, together with the reasons for the complainant's continued dissatisfaction.

Upon receipt of a formal complaint, the Chair of Governors, or a nominated Governor, will arrange for all information on the complaint to be collated and will convene a Governing Body Complaints Panel within 20 working days. None of the members of the Complaints Panel will have been directly involved in any previous consideration of the complaint. One of the members of the Complaints Panel will be independent of the management and running of the Academy.

The appeal hearing by the Governors' Complaints Panel is the last Academy-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 Governing Body 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 Governors' Complaints 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.

**8.2.6 The Remit of The Complaints Appeal Panel** - The Governors' Complaints 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.

**8.2.7** Governors or any independent members of the Appeals Panel will keep certain points clearly in mind:

- a. It is important that the appeal 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 Chair of Governors. In deciding the makeup of the panel, Governors must try to ensure that it represents a cross-section of the categories of Governor and that it is 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 provide the parent with an opportunity to discuss which parts of the hearing, if any, it might be helpful for the student to attend;
- d. The Governors sitting on the Complaints Panel must be fully aware of this complaints procedure.

### **8.3 Roles and Responsibilities**

**8.3.1 The Role of the Clerk to the Governors** - The Clerk to the Governors 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;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings and outcomes 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.

**8.3.2 The Role of the Chair of the Governing Body or the Nominated Governor** - The Chair of the Governing Body or the Nominated Governor must:

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

**8.3.3 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/complainant 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 other 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
- one member of the panel is independent of the management and running of the school;
- each side is given the opportunity to state their case and ask questions;
- 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.

**8.3.4 Notification of the Panel's Decision** - The Chair of the Panel needs to ensure, via the Clerk to the Governors, 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.

**8.3.5 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;
- the Chair explains that both parties will hear from the Panel within a set time scale.

## Complaint Form

Please complete and return to .....(Complaints Co-ordinator) who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Daytime telephone number:

Evening telephone number:

Please give details of your complaint.

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

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: