



L.E.A.D. Academy Trust

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# Complaints Policy and Procedure

**Review frequency: Annual**

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## **Policy Statement**

### **Introduction**

This statement sets out the legal framework, the definitions and our policy expectations.

The L.E.A.D. Academy Trust requires this policy to be implemented by all its member academies.

As a Trust we are committed to working in partnership with all members of the academy community. We place great value on the role that parents and carers can play in supporting their child's learning. All our staff and governors actively encourage a positive relationship between the academy and the families of children and young people who attend the academy.

We recognise however that, on occasion, things can go wrong. We also accept that there may be times when parents or carers (or others involved in the life of our academies) have concerns about aspects of academy life. When this happens, it is important that these concerns (and, if appropriate, complaints) are raised with the academy as quickly as possible. It is for this reason that we have developed this policy and procedure.

Our Policy requires all L.E.A.D. academies to make every effort to resolve a concern/complaint at local (academy) level. For this reason, we have a Five-Stage Procedure which all our academies are required to follow.

All L.E.A.D. academies will deal with a concern/ complaint raised by a parent or carer, (or any other member of the academy community), objectively and as quickly, sympathetically and effectively as possible. Our aim is to address all concerns/complaints as soon as possible after they arise and to resolve matters amicably at an early stage. With that in mind, complainants will be asked at the outset what they think might resolve the issue.

The L.E.A.D. Academy Trust defines the policy expectation, but the responsibility for implementation of the policy rests with the Headteacher of each academy.

### **Legal Framework**

The Policy and Procedure is compliant with the requirements of [The Equality Act 2010](#)

The procedure follows the Department for Education's guidance:

<https://www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure/putting-in-place-a-complaints-procedure>

## Complaints Procedure

### Concern or Complaint?

The Department of Education best practice guidance (January 2016) distinguishes between a **concern**:

*“an expression of worry or doubt over an issue considered to be important and for which reassurances are sought”*

and a **complaint**

*“an expression of dissatisfaction however made, about actions taken or a lack of action”.*

This procedure is designed having regard to this guidance.

### Scope of this procedure

This procedure covers all concerns and/or complaints about any provision or facilities provided by the academy but **DOES NOT** include those issues listed at Appendix 1. (These are covered by separate statutory procedures).

### What to do if you have a concern or a complaint

The Academy Complaints procedure is a Five-Stage Process:

Stage 1: Concern/complaint heard by staff member

Stage 2: Concern/complaint heard by the Headteacher

Stage 3: Complaint heard by the Chair of Governors

Stage 4: Complaint heard by Panel of Governors\*

Stage 5: Complaint referred to the Education Funding Agency (EFA)

*\*If a complainant is not satisfied at the completion of this Complaints Procedure (Stage 4), the complainant may refer their complaint to the Education Funding Council (EFA) (Stage 5 - See p. 7).*

In line with the policy of the L.E.A.D. Academy Trust this academy endeavours to ensure that any concern or complaint is dealt with promptly and fairly. All our staff and our governors are aware of the importance of dealing with concerns/complaints immediately they are raised. It is therefore important that, if you wish to raise a concern/complaint, you should do so as soon as practicable. This should be in writing (by letter or e-mail), or in person if written notes are taken during any meeting relating to the complaint and which can be countersigned by the complainant. This will enable the issue to be investigated effectively and whilst information is fresh in the minds of all parties.

#### Note

1. *Complainants are asked to note that:*

- *the academy will keep a record of all concerns and complaints;*
- *all complaints raised will be dealt with in confidence;*

- *anonymous complaints will not usually be investigated except in exceptional circumstances. This is due to the absence of a complainant to respond to;*
  - *if the complaint concerns the conduct of the Headteacher, it will be dealt with initially in accordance with Stage 3 of this procedure;*
  - *if the complaint concerns the Chair of Governors or any individual Governor it must be made in writing to the Clerk to the Governors c/o of the academy;*
  - *a concern/complaint will not be referred to the next stage unless and until the previous stage of this procedure has been completed;*
  - *the local authority has no role in consideration of complaints relating to the academy – but see Appendix 1.*
  - *if a complaint relates to a member of staff and includes any of the following it will (and must) be treated as an allegation:*
    - *behaviour in a way that has harmed a child, or may have harmed a child;*
    - *possible commission of a criminal offence against or related to a child; or*
    - *behaviour towards a child or children in a way that indicates that he or she may pose a risk of harm if they work regularly or closely with children.*
2. *There are some issues that the academy cannot, by law, deal with. These are listed at Appendix 1.*
3. *Complainants will be advised of the outcome of their complaints. However, complainants **will not** be advised of any disciplinary action that may be taken against staff.*

### **Stage 1: Concern/complaint heard by staff member**

The purpose of this stage is to resolve any issue as quickly as possible.

In the first instance, a complainant must discuss the issue with the member of staff concerned. The aim will be to resolve any issue at this stage. However, if a complainant feels unable to approach the member of staff involved, the concern/complaint must be made direct to the Headteacher, who will arrange for another member of staff to investigate the matter. Similarly, if the member of staff directly involved feels too compromised to deal with the complaint, the complaint will be referred to the Headteacher who will arrange for another member of staff to investigate the matter.

The member of staff who investigates the matter will:

- invite the complainant(s) to suggest what they think might resolve the issue;
- subject to discussion of any suggestions made, investigate the matter; and

- advise the complainant (orally) of their findings and conclusions.

The investigation will be objective, impartial and fair. Normally, we would expect this stage to be resolved within a maximum of five working days.

**Governors** - complainants must not make an initial complaint or raise a concern with a Governor. (If they do the Governor will refer the issue and the complainant to an appropriate member of staff). This is because governors are required to comply with this procedure : they cannot become involved at this early stage because they may be asked to take part in a Panel to consider the matter should it proceed to Stage 4.

### **Stage 2: Concern/complaint heard by the Headteacher**

This Stage applies when a complainant is not satisfied with the way the concern/complaint was dealt with at Stage 1. The purpose of this stage is to provide reassurance that concern/complaints will where necessary be dealt with by the Headteacher.

The aim of the Headteacher will be to resolve Stage 2 matters as quickly as and as amicably as possible.

If the complainant wishes to pursue a formal complaint to Stage 2, they must make the complaint in writing, to the Headteacher. Ideally this should be within ten working days of Stage 1 being concluded.

Whilst the Headteacher may ask another member of staff to collate and/or verify information concerning the complaint, it is the Headteacher that will determine the complaint at this Stage.

The Headteacher will:

- meet the complainant, hear the complaint, investigate and make every effort to resolve the issue;
- write to the complainant summarising the findings and outcome from the investigation. This letter will advise the complainant(s) of the next steps should they wish to proceed to Stage 3.

### **Stage 3: Complaint heard by the Chair of Governors**

The purpose of this Stage is to provide an opportunity for mediation (or to deal with complaints relating to the Headteacher).

If the complainant is not satisfied by the outcome from Stage 2, they must write to the Chair of Governors, (care of the academy), ideally within ten working days of the date of the letter notifying them of the outcome of Stage 2.

The letter must explain why the complainant is not satisfied with the outcome of Stages 1 and 2 and must provide the Chair with:

- a copy of the written complaint; and
- a copy of the Headteacher's letter concluding Stage 2.

If the complaint relates to the Headteacher, the complainant must write to the Chair of Governors, setting out the issue in detail.

The Chair will:

- meet the complainant and hear the complaint. The Chair may arrange for summary notes to be made of the meeting. Where this is the case, the notes will usually be taken by the Clerk to the Governors who is independent of the academy. The summary notes will be made available to the complainant;
- investigate the matter and make every effort to resolve the issue and, where appropriate, to mediate where identifying an agreed solution might be difficult. The Chair will discuss the matter with the staff involved, including the Headteacher with whom he will share his findings. Where the Chair feels it would be helpful, s/he may arrange a **mediation meeting** between the complainant and the Headteacher.

If a **mediation meeting** is arranged:

- the Clerk to the Governors will normally attend the meeting and make a summary note of proceedings. (A copy of the note will be provided to the complainant);
- the Chair will preside at the meeting;
- the matter cannot proceed to Stage 4 unless and until the mediation meeting has taken place; and
- the Chair will write to the complainant at the conclusion of the investigation and advise them of the findings and conclusions and any recommendations. This letter will advise the complainant(s) of the next steps should they wish to proceed to Stage 4.

#### **Stage 4: Complaint heard by Panel of Governors**

The purpose of this stage is to provide an independent view on the complaint and to enable Governors to consider what (if any) actions may be required.

If a complainant(s) is dissatisfied with the findings and conclusion of the Chair (Stage3) they may request that the matter be considered by a Complaints Panel.

To do this, the complainant(s) must notify the Chair in writing within ten working days of the date of the letter notifying them of the outcome of Stage 3, that they wish their complaint

to be heard by a Complaints Panel. The Chair will request the Clerk to the Governors to convene a meeting of the Panel.

The Panel has delegated authority to determine the complaint. The Panel will comprise:

- a person independent of the school : this person will be selected by the Clerk and will normally be an experienced Governor from another L.E.A.D. Academy\*
- two Governors from the School Governing Body\*

*\*excluding any governor (including the Chair) who has any knowledge of the complaint or who may be acquainted with the complainant. If the complaint refers to a member of staff no Staff Governors will be appointed to the Panel.*

The Complaints Panel hearing is the final academy-based stage of the complaints process. The role of the Panel is to:

- consider and determine the complaint. The complaint may be upheld, in whole or in part OR it may be dismissed;
- decide on the appropriate action (if any) to be taken to resolve the complaint. This may include, for example, making recommendations to Governors regarding the need to review practice and procedures to ensure that problems of a similar nature do not recur.

### **Procedure at a Complaints Panel Hearing**

The arrangements for the Panel meeting will be made by the Clerk who will also be present throughout the Hearing and produce a summary record of proceedings. The Panel will:

- consider all documentation relating to the complaint: this will be provided by the Clerk/Headteacher and copies will be provided to the complainant(s);
- invite the complainant to attend the Panel Hearing and explain why they remain dissatisfied;
- invite the Headteacher to attend the Panel Hearing and respond on behalf of the academy.

Full details of the procedure at the Hearing will be provided by the Clerk.

The complainant will be notified (by the Clerk) in writing of the decision of the Panel, usually within five working days of the date of the Panel Hearing. The letter will confirm that the findings and conclusion of the Panel brings to an end the involvement of the academy with the complaint and confirm the right of the complainant to proceed to Stage 5 of the process. A copy of the summary notes from the Panel Hearing will be included with the letter.

## **The Education Funding Agency (EFA)**

A complaint that has been through the full Academy Complaints Procedure (Stages 1 – 4 above) may be referred by the complainant to the EFA.

### **Unreasonable Complaints**

Whilst the academy will respond positively to all concerns and/or complaints, there may be occasions when it would not be appropriate for the academy to follow this procedure. For example:

- where the complainant is considered unreasonable : this Academy Trust defines an unreasonable complainant as *“a complainant who, because of the frequency or the nature of their contact with the academy, hinders our consideration of their or other people’s complaints”*; (see Appendix 2)
- where the complaints procedure (including referral to the EFA) has been exhausted, the issue closed and the complainant seeks to raise the same or similar issues again;
- where the academy has made every reasonable step to address the concerns of the complainant. In this regard, the ability of the academy to respond positively may be limited by the resources available (including staff time);
- where the academy (i.e. the Chair of Governors) is satisfied that the complainant is intent on causing disruption or inconvenience; or
- where the complainant demonstrates abusive or aggressive behaviour towards the academy or any member of staff at the academy.

Ultimately, if a complainant persists in pursuing a complaint to the point where the academy considers that the behaviour of the complainant constitutes harassment, discrimination and/or is threatening or intimidating to the staff of the academy, and/or a threat to the welfare or well-being of any child at the academy, the academy may seek legal action. This may include an injunction or court order or imposition of a ban on the complainant from contacting the academy or attending academy premises.

The Headteacher will advise the complainant in writing that a ban is being considered and invite their views. A ban may be imposed by the Headteacher and/or formal legal action may be taken.

### **Confidentiality**

All complaints will be treated as confidential at all times. Only those staff members who are concerned with investigating a complaint will have access to the details and paperwork surrounding each individual case. No confidential information regarding any complaint or subsequent investigation will be made public.



Should a staff member be the subject of a complaint they must be informed (by the Headteacher or the Chair, as appropriate) of the complaint made against them.

The academy/Trust is committed to data protection at all times for all parties. All confidential information will be stored securely on academy/Trust premises.

## APPENDIX 1: Complaints Not Covered by the Procedure

| Issues not covered by this Procedure   | Whom to Contact   |
|--|---|
| <p>School Admissions</p> <p>SEN – statutory assessment of need</p> <p>School re-organisation proposals</p> <p>Matters likely to require a Child Protection Investigation</p> | <p>Local Authority</p>  |
| <p>Exclusions</p>  | <p>See <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a></p>   |
| <p>Whistleblowing</p>  | <p>All L.E.A.D. Academies have an internal Whistleblowing procedure for employees and voluntary staff. Other concerns can be raised directly with Ofsted (0300 123 3155 (<a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a>) or in writing to:<br/>WBHL, Ofsted. Piccadilly Gate, Store Street, Manchester M1 2WD</p> |
| <p>Staff Grievances and Disciplinary Procedures</p>  | <p>These matters will be dealt with by the disciplinary procedures of the academy. The outcome of these procedures will remain confidential to the academy.</p>   |
| <p>Complaints relating to the services provided at academy premises by third party providers.</p>  | <p>Third party providers are required, as a condition of providing services/facilities at the academy, to have their own complaints procedure.</p> <p>Third party providers must be contacted directly unless the matter involves a Safeguarding issue in which case the matter should also be raised with the Headteacher directly.</p>          |

## **APPENDIX 2 : Complaints likely to be considered unreasonable by the academy**

Where a complainant displays any of the behaviours listed below, the complaint is likely to be considered unreasonable by the academy:

- refusing to articulate the complaint or to specify the grounds of complaint;
- refusing to specify the outcome sought by raising the complaint and/or seeking an unrealistic outcome;
- refusing to co-operate with the complaints investigation;
- insisting that the complaint be dealt with outside of this procedure;
- raising trivial or irrelevant information or raising large numbers of detailed but unimportant questions and insisting on answers within their own timescales;
- making unjustified complaints about staff who are trying to deal with the issues raised and seeks to have those staff replaced;
- changing the basis of the complaint as the investigation proceeds;
- repeatedly making the same complaint notwithstanding that investigations have resulted in the matter being concluded or declared groundless;
- refusing to accept the findings and/or conclusions of the investigation where this procedure had been fully and correctly implemented including referral to the EFA;
- making excessive demands on academy time by frequent, lengthy, complicated and/or stressful contact with staff, either in person, in writing, via e-mail, text or by telephone whilst the complaint is being dealt with;
- publishing unacceptable or false information or comments about the academy or any member of school staff in any social media or newspaper.

### **Complaints about a decision to ban persons from school premises**

No member of the public (i.e. parent) has an automatic right of access or entry to academy premises. The priority of the academy will always be to ensure that academy premises are a safe place for pupils, staff and other members of the academy community.

The Headteacher has the absolute right to request any person whose behaviour is a cause for concern to leave the academy premises. The Headteacher may also advise any person that they are temporarily barred from academy premises. In very serious cases, a ban from academy premises can be legally applied and enforced.

The Headteacher will always give any person likely to be banned from academy premises an opportunity to express their views about the decision. A complaint about a decision to ban will be considered but must be made in writing to the Chair of Governors. The complaint will then be dealt with through the Academy Complaints Procedure Stages 3 and 4 (and also Stage 5). However, referral to the EFA will not apply (recourse being through the courts only).

20.09.16