L.E.A.D. Academy Trust
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L.E.A.D. ACADEMY TRUST

Complaints Policy and Procedure

Policy/Procedure management log

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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 Academy Governing Body (AGB) members 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-complaintshttps://www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure/putting-in-place-a-complaints-procedureprocedure/putting-in-place-a-complaints-procedure

The Policy and Procedure has been reviewed by the Trust's legal advisors.

The Policy and Procedure has been approved by the Board of Trustees.

Complaints Procedure

Concern or Complaint?

The Department for 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. Furthermore, this procedure refers to 'complainants' who, for the purpose of this procedure, should be taken to include both those who raise concerns and complaints.

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 procedures and in certain cases are dealt with by separate, external entities.

This procedure applies to both parents/carers of pupils attending the academy and complainants who are not parents of pupils attending the academy.

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 (informal stage)
Stage 2: Concern/complaint heard by the Headteacher (formal stage)
Stage 3: Complaint heard by the Chair of the Academy Governing Body (formal stage)
Stage 4: Complaint heard by Panel of AGB members* (formal stage)
Stage 5: Complaint referred to the Department for Education (DfE)

**If a complainant is not satisfied at the completion of this Complaints Procedure (including on occasion when the academy issues a Notice of Closure of Procedure letter OR at completion of Stage 4), the complainant may refer their complaint to the DfE (Stage 5).*

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.

IMPORTANT
If you wish to use email to raise your complaint, please send your message to the central Complaints email address:

complaints@leadacademytrust.co.uk

The above steps will enable the issue to be investigated effectively and while information is fresh in the minds of all parties.

Note

1. *Complainants are asked to note that:*

    - *the academy will keep a written record of all concerns and complaints, including whether a complaint is resolved following the formal procedure or whether it proceeds to a panel hearing and actions taken by the academy (i.e. whether a complaint is upheld or not and efforts to resolve the complaint);*

    - *all complaints raised will be dealt with in confidence. Efforts will be made to ensure that correspondence, statements and records relating to the individual complaints are kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them;*

    - *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 at Stage 3 of this procedure;*

    - *if the complaint concerns the Chair of the Academy Governing Body or any individual AGB member it must be made in writing to the Trust's Complaints Officer;*

    - *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 (see Appendix 1);*

    - *if a complaint relates to a member of staff and includes any of the following it will (and must) be considered in accordance with the academy's safeguarding procedures:*

        – *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 which fall outside the scope of this procedure. These are listed at Appendix 1.*

Complainants will be advised of the outcome of their complaints. However, for data protection reasons, 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 seek to resolve any concern/complaint as quickly as possible. This stage is to be considered 'informal'.

In the first instance, a complainant should discuss the concern/complaint with the member of staff concerned. The aim will be to resolve any concern/complaint 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 concern/complaint (for the avoidance of doubt, the referral to the Headteacher and subsequent appointment of another member of staff will not be treated as at Stage 2). Similarly, if the member of staff directly involved feels too compromised to deal with the concern/complaint, the concern/complaint will be referred to the Headteacher who will arrange for another member of staff to investigate the concern/complaint.

The member of staff who investigates the concern/complaint will:

- invite the complainant(s) to suggest what they think might resolve the concern/complaint;
- subject to discussion of any suggestions made, investigate the concern/complaint; and
- where the concern/complaint is investigated advise the complainant (orally) of their findings and conclusions.

The investigation will be objective, impartial and fair.

Timescales for Stage 1: normally, we would expect this stage to be resolved within five school days.

AGB members - complainants must not make an initial complaint or raise a concern with an AGB member (if they do the AGB member will refer the issue and the complainant to an appropriate member of staff). This is because AGB members 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 the informal Stage 1. The purpose of this stage is to provide reassurance that concerns/complaints will be taken seriously.

The aim of the Headteacher will be to resolve at Stage 2 the concern/complaint as quickly and as amicably as possible.

If the complainant wishes to pursue a complaint to Stage 2, where it will be considered 'formal', they must make the complaint in writing to the Headteacher. This should be within ten school days of Stage 1 being concluded. The written complaint should be concise and specify precisely what the complainant's ground(s) of complaint are and the outcome(s) sought.

While 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 outcome of the complaint at this stage.

The Headteacher will normally:

- meet the complainant, hear the complaint, investigate and make every effort to resolve the issue; and

- 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.

Timescale for Stage 2: normally we would expect this stage to be completed within ten school days of receipt of the letter from the complainant.

Stage 3: Complaint heard by the Chair of the AGB or other suitably experienced person

There may be cases where the AGB Chair cannot undertake the Stage 3 investigation, or where it would be inappropriate for them to do so, for example if there is a conflict of interests. In this event, the Complaints Officer may request another suitably experienced person to take the case. Before making any such request, the Complaints Officer shall consult with the AGB Chair, the Headteacher and the Deputy CEO. All references to 'AGB Chair' in this policy should be understood to include any other persons leading a Stage 3 process.

The purpose of this stage is to provide a further opportunity to seek to resolve the complaint. This stage may involve mediation as a form of dispute resolution. This stage is also the first stage for complaints relating directly to the Headteacher.

If the complainant is not satisfied with the outcome from Stage 2, they must write to the Chair of the Academy Governing Body (care of the academy), within ten school days of the date of the letter notifying them of the outcome of Stage 2.

The letter must explain precisely 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 the Academy Governing Body, setting out the issue in detail.

The Chair will:

- notify their AGB Clerk and/or the Trust Complaints Officer of the complaint and discuss whether the matter should proceed immediately under Stage 3. In some cases there are unresolved

issues at an earlier stage which may require investigation and in all cases opportunities for an informal resolution should be explored;

- meet the complainant and discuss the complaint with them. This will usually be with the Trust Complaints Officer or another Governance Team caseworker present who will take summary notes of the meeting. The summary notes will be provided to the complainant;

- invite the complainant(s) to suggest what they think might resolve the issue; and

- review the matter and attempt to resolve the issue. Where appropriate the Chair will explore other resolution options.

Mediation Meeting

If the Chair considers that a mediation meeting would be helpful in resolving the issue, s/he may convene a meeting between the complainant and appropriate staff.

The Chair will preside at the meeting, the aim of which will be to identify an agreed solution to the issues raised by the complainant.

The Trust Complaints Officer or Governance Team caseworker will normally attend the meeting and take summary notes of proceedings. A copy of the notes will be provided to the complainant.

The Chair will consider the outcome from either his meeting with the complainant or the mediation meeting and will write to the complainant confirming the actions agreed at and/or any outcome from the meeting. At this stage the Chair may decide on one of the following options:

Option 1 : Complaint upheld

Where this is the case the Chair will notify the complainant of the proposed solution in writing.*

Option 2 : Complaint not upheld

Where this is the case the Chair will notify the complainant of their reasons for not upholding the complaint in writing .*

**Where the Chair elects for Option 1 or Option 2, and where the complainant is not satisfied with the decision or the solution proposed, the complainant may proceed to Stage 4 of this Procedure. The complainant must write to the Trust's Complaints Officer within ten school days of the date of the letter informing them of the outcome of Stage 3, setting out why they are not satisfied with the outcome and formally requesting escalation to Stage 4.*

a) The Trust Complaints Officer will notify the complainant of the decision, and any next steps, in writing.

Option 3: Possible referral to a Complaints Panel (Stage 4)

- Where the Chair elects for Option 3 s/he will:

  a) specify the reasons for this;

  b) make a recommendation to the Trust Complaints Officer who will advise the Deputy Chief Executive.

  c) the Deputy Chief Executive may **either** not accept the recommendation to refer to the Panel and require the Chair (Stage 3) and the Headteacher (Stage 2) to reconsider the complaint further **or** accept the recommendation to refer to the Complaints Panel (Stage 4).

  d) If the Deputy Chief Executive requires the Chair (Stage 3) and the Headteacher (Stage 2) to reconsider the complaint further, this should be done within ten school days. If the outcome is unchanged and the complainant still does not accept the outcome, the complaint must then be escalated to Stage 4.

  e) if the Deputy Chief Executive accepts the recommendation s/he will ask the Trust Complaints Officer to proceed to Stage 4.

  f) the Trust Complaints Officer will notify the complainant of the decision, and the next steps in relation thereto, in writing.

- The matter cannot proceed to either Stage 4 or to Stage 5 unless and until Stage 3 (including the mediation meeting where this is arranged) has taken place.

Timescale for Stage 3: Normally we would expect this stage to be completed within fifteen school days of receipt of the letter from the complainant.

Stage 4: Complaint heard by Complaints Panel of AGB Members

Where a complainant proceeds to Stage 4, the Trust Complaints Officer will consult the Deputy Chief Executive and/or the AGB Chair on the reasons given by the complainant for requesting a Complaints Panel meeting, or consult the Chair for their reasons if they selected option 4 at Stage 3. The Trust Complaints Officer, in consultation with the Chair (and legal services if thought necessary by the Deputy Chief Executive or the Complaints Officer), will convene a meeting of the Complaints Panel.

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

- one panel member independent of the management and running of the school. This is a requirement under the Education (Independent School Standards) Regulations 2014. The independent panel member will be selected by the Trust Complaints Officer and will normally (but not exclusively) be a Governor from another L.E.A.D. Academy.*

- two AGB members from the Academy Governing Body of the school concerned.*

**excluding any AGB member (including the Chair) who has any knowledge of the complaint or has been involved with the complaint or who may be acquainted with the complainant. Staff AGB members will not normally be appointed to a Panel. If the complaint refers to a member of staff no Staff AGB members will be appointed to the Panel. If members of the AGB of the academy concerned are unavailable within the normal timescale, the Complaints Officer may request Governors from other L.E.A.D. academies to sit on the Panel.*

The Complaints Panel meeting 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; and/or

- decide on the appropriate action (if any) to be taken to resolve the complaint. This may include, for example, making recommendations to the Trust regarding the need to review practice and procedures to ensure that problems of a similar nature do not recur.

Procedure at a Complaints Panel Meeting

The arrangements for the Complaints Panel meeting are the responsibility of the Trust Complaints Officer, though may be delegated to another member of the Governance Team. They will:

- agree the arrangements for the meeting with the complainant and the Complaints Panel members;

- invite the complainant to the meeting and provide reasonable notice of the meeting;

- inform the complainant of their right to be accompanied;

- provide the complainant and all members of the Complaints Panel with an agenda setting out the procedure for the meeting together with relevant documentation relating to the complaint. This will usually include a report from the Headteacher and, where produced, from the complainant. Papers relating to the meeting will be provided to the complainant(s) and to Complaints Panel members at least seven school days before the meeting;

- attend the meeting (or request another member of the Governance Team to do so), advise the complainant and the Panel, and produce a summary record of proceedings at the meeting.

The Complaints Panel will:

- consider all documentation relating to the complaint;

- invite the complainant to explain to the Complaints Panel why they remain dissatisfied;

- invite the complainant(s) to suggest what they think might resolve the issue; and

- invite the Headteacher to attend the Complaints Panel meeting and to respond on behalf of the academy;

- make findings and, where appropriate, recommendations. A copy of the findings and any recommendations will be provided to the complainant and, where relevant, the person complained about.

Timescales for Stage 4:

The arrangements for a Complaints Panel meeting will require a reasonable period to identify Panel members, agree the arrangements for the meeting and to prepare papers. The aim will be to hold the Panel meeting within six school weeks, or sooner if practically possible, of the date of receipt of the letter from the complainant notifying the Trust Complaints Officer that they wish to proceed to Stage 4.

The complainant will be notified in writing by the Trust Complaints Officer of the decision of the Complaints Panel, usually within five school days of the date of the Complaints Panel meeting. The letter will confirm that the findings, recommendations and conclusion of the Complaints Panel brings to an end the involvement of the academy with the complaint and confirm the right of the complainant to utilise Stage 5 of the process. A copy of the summary notes from the Complaints Panel meeting will be provided to the complainant and be retained by the academy at its premises and be available for inspection.

The Department for Education (DfE)

A complaint that has been through the full academy Complaints Procedure (Stages 1 – 4 above) (or which has been the subject of a Notice of Closure letter at an earlier stage) may be referred by the complainant to the DfE.

Additionally a complainant who is unhappy with the academy's handling of the complaint can refer the matter to the DfE. The DfE cannot challenge the academy's decision about a complaint but can make sure a complaint is handled properly and in accordance with the correct procedure.

Unreasonable complaints and unacceptable behaviours

Whilst the academy will always respond positively to concerns and/or complaints, there may be occasions when it would not be appropriate for the academy to follow this procedure or when the academy takes the view that the procedure should be brought to a close. For example:

- where this complaints procedure (including referral to the DfE) has been exhausted, the issue closed and the complainant seeks to raise the same or similar issues again;

- where the academy believes it has made every reasonable step to address the reasonable 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 believes 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, it may be necessary for the academy to take further and proportionate action, including (by way of example) the imposition of a ban on the complainant from contacting the academy and/or attending academy premises and/or taking legal action (which may include seeking an injunction or court order), or notifying the Police;

Individuals will have the right to make representations to the Headteacher in circumstances where a decision to ban them has been made (and, in certain circumstances and where considered appropriate by the academy, where a decision to ban is being considered).

Confidentiality

Efforts will be made to ensure that confidentiality is maintained for all concerned.
Information should be handled and disseminated on a "need to know" basis only, however, correspondence, statements and records relating individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them.

The academy and L.E.A.D. Academy Trust are committed to data protection at all times for all parties. All confidential information will be stored securely on academy/Trust premises and systems and managed in accordance with the GDPR Policy.

APPENDIX 1: Complaints Not Covered by the Procedure

Issues not covered by this Procedure	Whom to Contact
Admissions SEN – statutory assessment of need Re-organisation proposals Matters likely to require a Child Protection Investigation	Local Authority
Exclusions	See **Exclusion Policy**
Whistleblowing	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 (whistleblowing@ofsted.gov.uk) or in writing to: WBHL, Ofsted, Piccadilly Gate, Store Street, Manchester M1 2WD
Staff Grievances and Disciplinary Procedures	These matters will be dealt with by the disciplinary procedures of the academy. The outcome of these procedures will remain confidential to the academy.
Complaints relating to the services provided at academy premises by third party providers	Third party providers are required, as a condition of providing services/facilities at the academy, to have their own complaints procedure. Third party providers must be contacted directly unless the matter involves a Safeguarding issue in which case the matter must also be raised with the Headteacher directly.

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

One or more of the examples listed below may result in the academy taking the view that a complaint, or continuation with this procedure, is not reasonable and therefore that the procedure should be brought to a close via the issue of a Notice of Closure of Procedure letter:

- a complainant refusing to articulate the complaint or to specify the grounds of complaint;
- a complainant refusing to specify the outcome sought by raising the complaint and/or seeking an unrealistic outcome;
- a complainant refusing to co-operate with the complaints investigation including, for example a meeting with the Chair, a mediation meeting (if applicable) or attendance at a Complaints Panel meeting where a meeting or the complainant's attendance would be reasonable;
- a complainant insisting that the complaint be dealt with outside of this procedure;
- a complainant raising trivial or irrelevant information or raising large numbers of detailed but unimportant questions and/or insisting on answers within their own timescales;
- a complainant making unjustified complaints or allegations about staff who are trying to deal with the issues raised and/or seeking to have those staff replaced;
- a complainant changing the basis of the complaint as the investigation proceeds;
- a complainant refusing to accept the findings and/or conclusions of the investigation where this procedure has been fully and correctly implemented, including referral to the ESFA;
- a complainant making unreasonable and 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 while the complaint is being dealt with;
- a complainant publishing or verbalising unacceptable or false information or comments about the academy or any member of school staff in any social media or newspaper;
- a complainant using threatening, abusive or intimidatory language or behaviour to any member of staff or member of the academy community.

Complaints about a decision to ban persons from school premises

Members of the public (including parents) do not have 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. Aggressive, abusive or insulting behaviour would be sufficient. The academy will tell the individual in writing if they have (i) been banned or (ii) if the academy intends to ban them. The Headteacher will sign a letter to that effect. The person whose behaviour is a cause for concern has the right to present their side. In such cases the academy can either:

(i) ban them temporarily, until the individual has had the opportunity to formally present their side;

(ii) tell the individual they intend to ban them and invite them to present their side by a set deadline.

After hearing the individual's side the Headteacher will decide on the outcome. If a ban is imposed, the Headteacher will inform the Chair of Governors.

The Headteacher will review the decision to ban an individual from academy premises after a period of time, usually one month. The decision to lift the ban or to leave it in place for a further period is the Headteacher's.

Should the parent make a formal written complaint about a ban being re-imposed after review, the matter will go to the Chair of Governors. The Chair will investigate and make a decision whether the ban should be removed or upheld. The Chair will generally hold a meeting with the parent to explore the issues. The Chair's decision will be sent in writing to the parent.