



COMPLAINTS POLICY AND PROCEDURE

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Change Log

Date	Changes to Policy
June 2015	Point 1: Addition of 'independent person'
June 2017	Formal Complaint - Stage 2 changed to Head Teacher
June 2017	Formal Complaint - Stage 4 changed to Local Committee
July 2017	Formal Complaint - Stage 3 changed to Further Investigation
June 2018	Appendix B Table updated
May 2021	Updated Record Keeping and added Confidentiality section
May 2021	A parent may be accompanied at a parent hearing
September 2022	Updated stages of complaints procedure to include Regional Director of Education
July 2024	Section 1: Updated categories within the scope of the policy. Section 6: Recording Meetings; Stage 13: Panel Hearing – membership updates; Section 14: Complaints about CEO/MAT; Section 15: Serial, Persistent and Vexatious Complaints updated; Section 16: Complaints to Department for Education – further contact details and criteria added. Stage 1 – 3 updated requirements for parents/carers to be formally informed as to how to escalate a complaint at each stage.

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1. Scope of Policy on the handling of complaints

This policy applies to all complaints made by parents and carers of pupils who attend a Trust academy regarding their child.

Complaints that sit outside of this policy are listed below:

- Child Protection issues are dealt with through the Safeguarding and Child Protection Policy
- Statutory Assessments of Special Educational Needs
- Exclusions and Suspensions
- Admissions have specific appeal rights to the directors and are detailed in the relevant policies
- Financial Improprieties or other criminal activities will be dealt with through the Whistleblowing Policy
- Whistleblowing
- Staff Grievances will be dealt with under the Trust internal policy
- Staff Conduct. If the complaint is dealt with under the Disciplinary policy, parents/carers will not be informed of or have discussions regarding the outcome. However, they will be notified that it is being addressed
- Suppliers who use the Academy/Trust premises or facilities. Please refer to their complaint's procedures

This policy complies with Schedule 1, Part 7 of the Education (Independent School Standards) (England) Regulations 2014 which applies to complaints from parents/carers or special guardians of pupils of the Academy/Trust regarding their child.

Complaints from people who are not parents/carers at the school will have their issues listened to and where possible resolved expediently. However, the academy/Trust is not obliged to apply the complaints procedure.

2. Publicising the Complaints Policy and Procedure

This policy and procedure can be obtained in paper format from the academy office or can be downloaded from the website www.lapsw.co.uk or by the link from the academy website. We will also be happy to forward a copy by email or post upon request.

3. Timescales and Points of Contact

We aim to resolve complaints in a timely manner. Timescales for each stage of the Complaints Policy are set out below in the relevant paragraphs. 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.

For the purposes of this policy, a **"working day" is defined as a weekday during term time**, when the academy is open. The definition of "working day" excludes weekends and Bank Holidays. This applies to complaints directed to school based and Trust based colleagues.

Complaints received outside of term time will be considered from the first day that the children return to school and will not include non-pupil days as staff may be off-site.

We ask parents/carers to refer to the policy and the stage of the complaint and direct it to the most relevant person.

If complaints are directed to a member of staff that is not in line with the stage of complaint, the person receiving the complaint will direct the communication to the relevant member of staff who will make contact to begin the process of investigating and resolving the complaint.

4. Policy Aim and Statement

Aim

The aim of this policy is to ensure that a concern or complaint is managed sympathetically, efficiently and at the appropriate level and resolved as soon as possible. Doing so is good practice, it is fair to those concerned and it helps to promote parents' and students' confidence in our ability to safeguard and promote welfare. We will try to resolve every concern or complaint in a positive way with the aim of resolving the issue in a transparent manner.

The Academy expects that most concerns can be resolved informally and guarantees to treat seriously and confidentially all concerns whether raised informally or formally.

The Policy which follows deals with complaints, but the underlying principle is that concerns ought to be handled, if 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.

Statement

The academy needs to know as soon as possible if there is any cause for dissatisfaction. We recognise that a difficulty that is not resolved quickly and fairly can soon become a cause of resentment, which could be damaging to relationships and to our academy culture. We intend that parents and pupils should never feel – or be made to feel – that a complaint will be taken amiss or will adversely affect a student or his/her opportunities at the academy. The policy, however, distinguishes between a concern or difficulty which can be resolved informally and a formal complaint which will require further investigation.

In most cases the class teacher or the individual delivering the service in the case of extended academy provision, will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including an apology where necessary. 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.

5. Framework of Principles

Our Complaints Procedure Aims:

- Establish if the issue is a complaint.
- Encourages resolution by informal means wherever possible;
- Is easily accessible and publicised
- Is simple to understand
- Is impartial
- Is non adversarial
- Allows swift handling within agreed time limits for action and keeping people informed of progress;
- Ensures a full and fair investigation
- Respect people's desire for confidentiality
- Addresses all the points at issue and provides an effective response and appropriate redress, where necessary
- Provides information to the academy's senior management so that services can be improved

6. Recording Complaints and Meetings

Under the Complaints Procedure written records will be kept of all complaints including:

- A log of emails, letters and communications between both parties, including notes on verbal conversations.
- Whether they were resolved at Stage 2/Stage 3 or progressed to a Stage 4 Panel hearing
- What action was taken by the academy because of those complaints (whether the complaints were upheld)

Where there are communication difficulties and reasonable adjustments are required the Academy/Trust will seek mutual agreement and permission to make recordings or take minutes so that the complainant is able to access and review discussions at later points. All parties must agree.

The Academy/Trust does not give permission for parents/carers to record meetings or discussions unless it is for reasonable adjustments to support communication difficulties.

Electronic recordings will not be accepted as evidence when investigating a complaint. Any transcriptions of recordings can be considered if there is proof of permission from all parties in the recording.

The Academy/Trust refuse to acknowledge or accept any recordings or transcriptions that were obtained covertly and without the informed consent of all parties who have been recorded.

Parents/carers do not have permission to covertly record conversations and meetings between Academy/Trust staff whether this online or face to face.

If a meeting, to make is accessible, is required to take place via virtual meeting the meeting cannot be recorded or transcribed without the consent of all parties.

All parties must declare who is attending or has access to the meeting either on screen or off screen.

7. Investigating complaints

At each stage, the person investigating the complaint makes sure that they:

- Have sufficient training and support in dealing with concerns and complaints
- Establish what has happened so far, and who has been involved;
- Clarifies the nature of the complaint and what remains unresolved;
- Meets with the complainant or contacts them (if unsure or further information is necessary);
- Clarifies what the complainant feels would put things right;
- Interviews those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- Conducts the interview with an open mind and is prepared to persist in questioning;
- Keep notes of the interview

8. Resolving complaints

At each stage in the procedure the academy will keep in mind ways in which a complaint can be resolved. 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 the academy policies in light of the complaint

An admission that the academy could have handled the situation better is not the same as an admission of negligence.

The complaint may be denied if it is unfounded or unsubstantiated and the complainant would be informed of this.

9. Handling Complaints Fairly

All complainants should be treated fairly and offered the chance to state their case in person or writing at each stage. If reasonable attempts have been made to accommodate the complainant with dates and meetings and they refuse or do not attend, we will:

- Convene meetings in the absence of the complainant
- Reach a conclusion to bring the complaint to a close.

10. Stage 1: Informal Complaints

Most complaints, where a parent/carer seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Examples might include dissatisfaction about some aspect of teaching, disciplinary matters or issues outside the classroom.

Parents/carers should raise the complaint initially with the Class Teacher in the first instance. In some cases, it may need to be directed to a member of the Senior Leadership Team or Headteacher dependent on the complaint. The Headteacher will direct the complaint back to the Class Teacher if deemed appropriate. The academy will ensure that informal complaints are resolved within 10 working days of being raised.

Staff will be reminded about the importance of maintaining confidentiality at all times during the complaints process.

The academy will try to respect the views of a complainant who indicates that he/she would have difficulty discussing the complaint with a particular member of staff. In these cases, the matter will be referred to the Headteacher who may, if they feel it appropriate, refer the complainant to another member of staff. Alternatively, they may not feel this is necessary.

Where the complaint concerns the Headteacher, the complainant at this informal stage, parents/carers are asked to raise this with the Headteacher directly.

Similarly, if the member of staff directly involved feels compromised to deal with a complaint, the Headteacher may consider referring the complainant to another staff member. The ability to consider the complaint objectively and impartially is crucial.

Once all the facts have been established the person dealing with the complaint will then meet with the complainant to discuss the resolution. It is the duty of the person handling the complaint to ensure that the parent/carer is informed of their right to escalate the complaint to Stage 2 if it is not resolved at this stage.

Unable to meet deadlines

If the person resolving the complaint is unable to meet the deadlines, the Headteacher will be informed as will the parent/carer along with revised dates of completion and/or response.

Unresolved complaints

If the complainant is dissatisfied with the way the concern/complaint was handled at the informal stage, they may go to Stage 2 and have the Headteacher hear the complaint. The form in Appendix C should be submitted for consideration under Stage 2 of the Complaints Process.

1.1. Stage 2: Formal Complaint

The Headteacher will ensure that a written or oral acknowledgement is provided to the complainant within five (5) working term time days of receiving a complaint. The acknowledgement will give a brief explanation of the academy's complaints procedure and will give a target date for providing a response to the complaint which will normally be within the ten (10) academy term time days.

The Headteacher whilst having responsibility for managing Stage 2 complaints, may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

The person dealing with the complaint will seek to meet or speak with all of the appropriate people to establish the facts relating to the complaint, if the information given on the complaints from necessitates this. This may include the complainant, staff and any other person.

Once all the facts have been established the person dealing with the complaint will then produce a written response to the complainant and may wish to meet. The written response should contain an outline of the complaint and a summary of the response to the complaint including the decision reached and the reasons for it. Where appropriate this should also include what response, the academy will take to resolve the complaint.

If the formal complaint is regarding the Headteacher, it can be referred to the Director of Education. This should be submitted to the school office and addressed to the Regional Director of Education. This will be directed to the relevant Director.

Where the complaint relates to the Regional Director of Education the complainant can be referred to the Deputy Trust Lead. Complaints regarding the Trust Lead/Chief Executive, Deputy Trust Lead or academy Local Committee members or Trustees can be directed to the Chair of Trustees.

Notification of the Stage 2 Decision

When the investigation has been concluded the complainant and any parties involved will be informed in writing of the outcome; a copy will be sent to the Trust Lead/Chief Executive.

This may be to the effect that:

- There is insufficient evidence to reach a conclusion
- The concern was not substantiated by the evidence
- The concern was substantiated in part or in full. Some details may then be given of the action the academy may be taking to review procedures etc. but details of the investigation or of any disciplinary procedures will not be released.
- The matter has been fully investigated and appropriate procedures are being followed which may be strictly confidential.

This letter will be endorsed by the Headteacher.

If no further communication is received from the complainant within 10 academy term time days it is deemed that the complaint has been resolved and should end.

It is the duty of the person handling the complaint to ensure that the parent/carer is informed of their right to escalate the complaint to Stage 3 if it is not resolved at this stage.

Unable to meet deadlines

If the person resolving the complaint is unable to meet the deadlines, the Head Teacher will be informed as will the parent/carer along with revised dates of completion and/or response.

Record of concerns

In the case of concerns raised under Stage 2 of this procedure, the record of the concern, its resolution and file notes by the person dealing with the complaint and/or file correspondence between the person raising the concern and the respondent will be maintained.

Unresolved complaints

If the complainant is dissatisfied with the way the concern/complaint was handled at Stage 2, they may go to Stage 3 and have the Director of Education hear the complaint.

12. Stage 3: Further Investigation

An unresolved complaint under Stage 2 should be set out in writing with the full details and referred to a Director of Education who will undertake a further investigation. Following the investigation, a Director of Education will normally give a written response within five working days but in any case, within no more than ten working days.

Please address any Stage 3 Complaints to Director of Education via the school office. This will ensure it is directed to the correct Director.

**N.B. If the matter concerns a Regional Director of Education, the Trust Lead (CEO) will be informed, and a further investigation may be undertaken by the Deputy Trust Lead.*

At each stage of the process the complainant will be asked to confirm whether the matter has been resolved. If no further communication is received from the complainant within 10 academy term time days it is deemed that the complaint has been resolved and should end.

It is the duty of the person handling the complaint to ensure that the parent/carer is informed of their right to escalate the complaint to Stage 4 if it is not resolved at this stage.

Unable to meet deadlines

If the person resolving the complaint is unable to meet the deadlines, the Deputy Trust Lead will be informed as will the parent/carer along with revised dates of completion and/or response.

Record of concerns

In the case of concerns raised under Stage 3 of this procedure, the record of the concern, its resolution and file notes by the person dealing with the complaint and/or file correspondence between the person raising the concern and the respondent will be maintained.

Unresolved complaints

If the complainant is dissatisfied with the way the concern/complaint was handled at Stage 3, they may go to Stage 4..

13. Stage 4: Formal Complaint Heard by the Ethos and Advisory Committee Complaints Appeal Panel

An unresolved complaint under Stage 3, should be set out in writing with full details and sent with all relevant documents and full contact details for the attention of the Chair of the Ethos and Advisory Committee. This can be sent via the academy office or sent to governanceprofessional@lpsw.org

Request

A request for a complaint to be heard by a Complaints Panel (an appeal) must be made in writing and within ten (10) working days of the date of the decision made at Stage 3.

Acknowledgement

Where an appeal is received, the academy will within three working days refer the matter to the Governance Professional who will refer it to Complaints Panel.

We will aim to convene a Complaints Appeal Panel hearing as soon as possible, normally no later than twenty (20) working days after receipt of the Stage 4 request. The Complainant will be given reasonable notice of the Panel Hearing date this will be at least five (5) working days prior to the hearing.

Panel Membership

The Panel will consist of three Ethos and Advisory Committee members who have not previously been involved in the complaint and an independent person. The Panel will select its own Chair, though this will normally be the Chair of the Local Committee.

The panel will consist of at least three members and no more than 5 who have no prior connection with the complaint. Members will be made up of Ethos and Advisory Committee members and one Independent Panel member. The independent panel member may be an Ethos and Advisory Committee Member from another Hub/Academy.

The Governance Professional is responsible for sourcing the independent panel member.

The Remit of the Complaints Appeal Panel

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 problems of a similar nature do not recur

The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and 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. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. A parent may be accompanied at a panel hearing, but it does not confer a right on a parent to have a legal representative to make representations on their behalf at the hearing, although the school can allow this if it wishes. Chair will ensure that the proceedings are as welcoming as possible.

The Panel will write and inform the complainant and any witnesses, the panel etc. of the date and location of the meeting five (5) working days in advance. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/interpreter. The letter should explain how the meeting will be conducted and the complainant's right to submit further written evidence to the panel. The Headteacher has the right to bring representation if desired.

Intervention of parallel investigations relevant to the complaint by the Police or social services may cause variations to these time scales. Any such variation will be notified to the complainant.

Hearing the complaint at the meeting

The aim of the meeting will be to resolve that complaint and achieve reconciliation between the Academy and the complainant.

In the interest of natural justice, the introduction of previously undisclosed evidence or witnesses would be a reason to adjourn the meeting so that the other side has time to consider and respond to the new evidence.

The recommended conduct of the meeting is as follows:

- The Chair of the panel will welcome the complainant, introduce the panel members, and explain the procedure.
- The Chair of the panel will invite the complainant to explain the complaint.
- The Committee members may question the complainant about the complaint and the reasons why it was made.
- The Headteacher will be invited by the Chair of the panel to question the complainant about the complaint and why it has been made.

- The Chair of the panel will invite the Headteacher to make a statement in response to the complaint.
- At the discretion of the Chair of the panel the Headteacher may invite members of staff directly involved in the complaint to supplement his/her response.
- The Committee members may question the Headteacher and/or members of staff about the response to the complaint.
- The Chair of the panel will allow the complainant to question the Headteacher and/or members of staff about the response to the complaint.
- Any party has the right to call witnesses, subject to the approval of the Chair of the committee.
- The committee, the Headteacher and the complainant have the right to question any such witness.
- The Headteacher will be invited by the Chair of the panel to make a final statement.
- The complainant will be invited by the Chair of the panel to make a final statement.
- The Chair of the Panel will explain to the complainant and the Headteacher that the decision of the panel will now be considered, and a written decision will be sent to both parties.

The Chair of the panel will then ask all parties to leave except for members of the Committee. The Committee will then consider the complaint and all the evidence presented:

- Reach a decision on the complaint and the reasons for it.
- Decide upon the appropriate action to be taken to resolve the complaint.

The Committee members sitting on the panel need to be aware of the Complaints Policy and procedure before the meeting.

Roles and Responsibilities

The Role of the Panel Administrator

The administrator is required to:

- Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible
- 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
- Notify all parties of the panel's decision.

The Role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that:

- The remit of the panel is explained to the parties and each party has the opportunity of putting 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
- The hearing is conducted in an informal manner with each party treating the other with respect and courtesy.
- The panel is open minded and acting independently
- No member of the panel has any involvement in an earlier stage of the procedure
- Each side is given the opportunity to state their case and ask questions
- Written material is seen by all parties

Decision

The Panel will reach a decision and make any recommendations within ten (10) working days of the hearing. The decision reached is final.

Notification of the Panel's Decision

The Panel's findings and recommendations will be sent, in writing to the complainant, the Headteacher, the Trust Lead/Chief Executive and where relevant, to the person subject to the complaint.

Record Keeping

Records of all appeals, decisions and recommendations of the Complaints Panel will be kept. The record will identify if a complaint is resolved following a formal procedure or a panel hearing and the action taken by the school arising out of the complaint, whether the complaint is upheld or not.

Confidentiality

All records will be kept confidential except as required by law.

14. Complaints About the CEO and/or MAT

The parent/carer at Stage 1 should contact the Trust Lead/CEO via the Governance Professional : governanceprofessional@lapsw.org . The Trust Lead/CEO will follow the procedure set out in Stage 1.

If this has been unable to be resolved the parent/carer should submit a formal complaint in writing, addressed to the Chair of the Trust Board and submit it via email to the Governance Professional: governanceprofessional@lapsw.org . The Chair of the Trust Board will follow the procedures set out in Stage 2.

If the complaint remains unresolved the parent/carer can make a formal request for a complaints hearing (stage 4). A panel of Trust Board members (at least 3 and no more than 5) will convene a panel. At least one member must be independent and not a member of staff or governance. The Panel will follow the process set out in Stage 4.

15. Persistent, Unreasonable and Vexatious Complaints

There are rare circumstances where we will deviate from the Complaints Procedure where it is deemed that complaints have become either persistent, unreasonable or vexatious. These will not be tolerated and dealt with under the Managing Serial and Unreasonable Complaints.

We endeavour to resolve all complaints which result in a positive outcome for all. However, where this is prevented by persistent, unreasonable or vexatious complaints we reserve the right not to engage with the complainant unless it is in accordance with a communication protocol that has been set up. It may also result in a limit of complaints that can be receive and for a single point of contact to be identified.

The academy will not tolerate unacceptable behaviour, perceived or actual, and ask all parents and visitors to adhere to the Code of Conduct. Any unacceptable behaviour will be dealt with under the Dealing with Threatening Behaviour and Abuse Policy which can be found on the school website. Unacceptable behaviours can result in removal of permission to enter the school site. This will be dealt with under the Dealing with Violence, Threatening Behaviour and Abuse Policy.

16. Complaint to the Department for Education (ESFA)

There is a procedure for making complaints about academies once the Complaints Policy has been exhausted. The Department for Education state that: **'We cannot change an academy's decision about a complaint. Our role is to make sure the academy handles your complaint properly.'**

They will consider a complaint if the complainant can provide evidence that the school or trust:

- Does not have a complaints procedure
- Did not provide a copy of its complaints procedure when requested
- Does not have a procedure that complies with statutory regulations
- Has not followed its published complaints procedure
- Has not allowed its complaints procedures to be completed.

They are not able to:

- Overturn the panel's decision
- Re-investigate the original complaint
- Review the accuracy of minutes taken or documents provided
- Order that compensation is paid
- Direct the school to discipline/exclude pupils

- Direct the school to discipline/dismiss staff
- Instruct the school to apologise

You can find more information about the role of the Department for Education with regards to complaints here: How DfE handles complaints about academies - GOV.UK (www.gov.uk)

You can access the enquiry form here [Contact the Department for Education - Contact type - DfE Online Forms](#)

You can call the National Helpline 0370 000228.

You can write to:
Academy Complaints and Customer Insight Unit
Education and Skills Funding Agency
Cheylesmore House
Coventry
CV1 2WT

Appendix A: Checklist

Checklist for a Panel Hearing:

The hearing is 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, and be followed by their witnesses

The Head Teacher may question both the complainant and the witnesses after each has spoken

The Head Teacher is then invited to explain the academy's actions and be followed by the academy's witnesses

The complainant may question both the Head Teacher and the witnesses after each has spoken

The panel may ask questions at any point

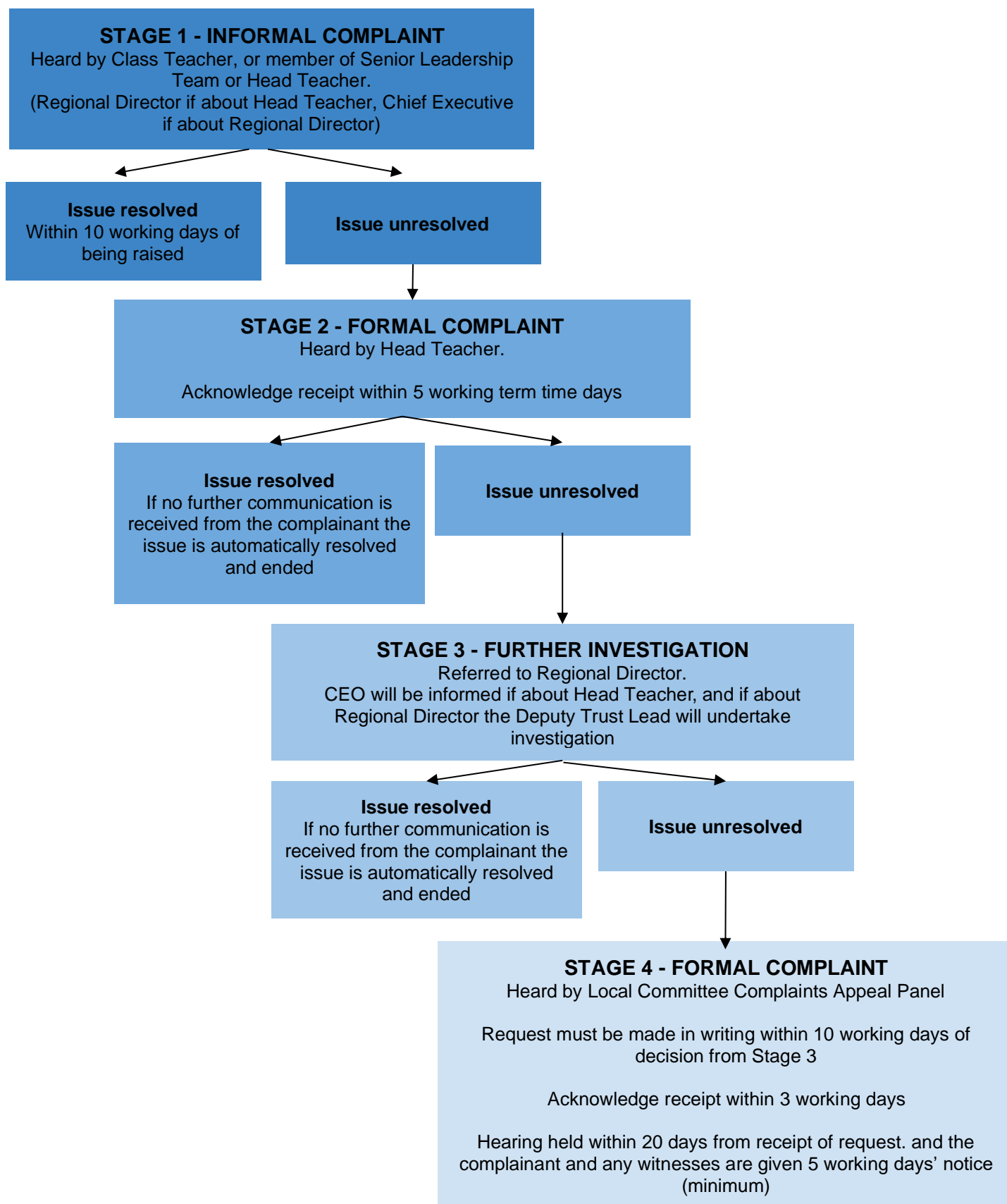
The complainant is then invited to sum up their complaint

The Head Teacher is then 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 the panel within a set timescale

Appendix B: Summary of dealing with complaints



Appendix C: Complaint Form

Please complete and return to the Head Teacher who will acknowledge receipt and explain the complaints process.

Your name	
Pupil's name	
Your relationship to the pupil (if relevant)	
Address	
Telephone number (day)	
Telephone number (evening)	
Please give brief details of your complaint	
What action, if any, have you already taken to try to resolve your complaint? (Who did you speak to and what was their response?)	
What actions do you feel might resolve the problem at this stage?	
Are you attaching any paperwork? If so, please give details	

Signature (complainant)	
Date	