



COMPLAINTS POLICY AND PROCEDURE

Policy Reference No	COM003
Review Frequency	Biennial
Reviewed	Summer 2019
Next Review Date	Summer 2021
Approved Full Board	June 2017

TOGETHER WE EMPOWER EXCELLENCE

Procedure on the Handling of Complaints

This policy applies to all complaints other than

- **Child Protection** issues are dealt with through the Safeguarding and Child Protection Policy
- **Exclusions**
- **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

This policy complies with Schedule 1, Part 7 of the Education (Independent School Standards) (England) Regulations 2010.

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.

Timescales

We aim to resolve any complaints in a timely manner. Timescales for each stage of the Complaints Procedure 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.

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 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.

Statement:

The Academy need 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 also 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.

Framework of Principles

Our Complaints Procedure:

- 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

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

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.

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, a member of the Senior Leadership Team or Head of Academy as 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 Head of Academy 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 Head of Academy, the complainant can be referred to the Executive Headteacher or Chief Executive and they may delegate an investigation to a senior member of staff. Where the complaint relates to the Director of Education or Director of Operations, the complainant can be referred to the Chief Executive. Complaints regarding the Chief Executive, Academy Local Committee members or Trustees can be directed to the Chair of Trustees.

Similarly, if the member of staff directly involved feels compromised to deal with a complaint, the Head of Academy 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 complaint further.

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 Head of Academy hear the complaint. The form in Appendix C should be submitted for consideration under Stage 2 of the Complaints Process.

Stage 2: Formal Complaint

The Head of Academy 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 Head of Academy 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 form 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. This may be by way of a general description e.g 'Action taken within the Disciplinary procedure'.

Notification of the Stage 2 Decision:

When the investigating has been concluded the complainant and any parties involved will be informed in writing of the outcome; a copy will be sent to the 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 that appropriate procedures are being followed which may be strictly confidential.

This letter will be endorsed by the Head of Academy.

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.

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.

Stage 3: Further Investigation

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

*N.B. In cases where the matter concerns the conduct of the Head of Academy the CEO will be informed of the complaint. If the matter concerns the Executive Head, the CEO will be informed and a further investigation may be undertaken by the Director of Education.

At each stage of the process the complainant will be asked to confirm whether or not 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.

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.

Stage 4: Formal Complaint Heard by the Local 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 Academy Local Committee (Local Governors). This can be sent via the academy office or sent to the Clerk via email clerk@lapsw.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 (3) working days refer the matter to the Clerk to the Committee who will act as Clerk to the Complaints Panel. The Clerk will acknowledge, in writing, receipt of the appeal within three (3) working days of the clerk receiving the appeal and inform the complainant of the steps involved in the process. The Clerk will be the contact point for the complainant.

Panel Hearing:

The Clerk 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 Local Committee members who have not previously been involved in the complaint and an independent person. In deciding the makeup of the Panel, The Committee will need to try and ensure that it is sensitive to the issues of race, gender and religious affiliation. The Panel will select its own Chair, though this will normally be the Chair of the Local Committee.

It may be appropriate to use the support of members of other Local Committees within the Trust if required.

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

It is important that the appeal hearing is independent and impartial and that it is seen to be so. No committee member may sit on panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.

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. The panel Chair will ensure that the proceedings are as welcoming as possible.

The Clerk 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 Head of Academy has the right to bring representation if so 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 Head of Academy 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 Head of Academy to make a statement in response to the complaint.
- At the discretion of the Chair of the panel the Head of Academy may invite members of staff directly involved in the complaint to supplement his/her response.
- The Committee members may question the Head of Academy and/or members of staff about the response to the complaint.
- The Chair of the panel will allow the complainant to question the Head of Academy 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 Head of Academy and the complainant have the right to question any such witness.
- The Head of Academy 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 Head of Academy that the decision of the panel will now be considered and 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 Clerk

The clerk is the contact point for the complainant and 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, by the Clerk, to the complainant, the Head of Academy, the Chief Executive and where relevant, to the person complained about.

Record Keeping:

Records of all appeals, decisions and recommendations of the Complaints Panel will be kept.

Vexatious Complaints:

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. Please see Appendix D and E for further details of how such complaints will be dealt with and examples of behaviour, which will not be tolerated.

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

- Whether they were resolved at Stage Two or progressed to a stage three panel hearing
- What action was taken by the academy as a result of those complaints (whether or not the complaints were upheld)

Complaint to the Education Funding Agency on behalf of the Secretary of State

There is a procedure for making complaints about Academies.

The Educational Funding Agency (EFA) will normally only consider a complaint about an Academy after the Academy's own complaints procedure has been exhausted. The EFA cannot review or overturn decisions about complaints made by Academies. They can investigate whether the Academy considered the complaint appropriately. If the EFA finds that an Academy did not consider a complaint appropriately it can request the Academy to reconsider the complaint.

Complaints about an Academy should be sent via the [Department for Education schools complaints form](#)

Date	Change
June 2015	Point 1: Addition of 'independent person'
June 2017	Formal Complaint - Stage 2 changed to Head of Academy
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

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 of Academy may question both the complainant and the witnesses after each has Spoken

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

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

The panel may ask questions at any point

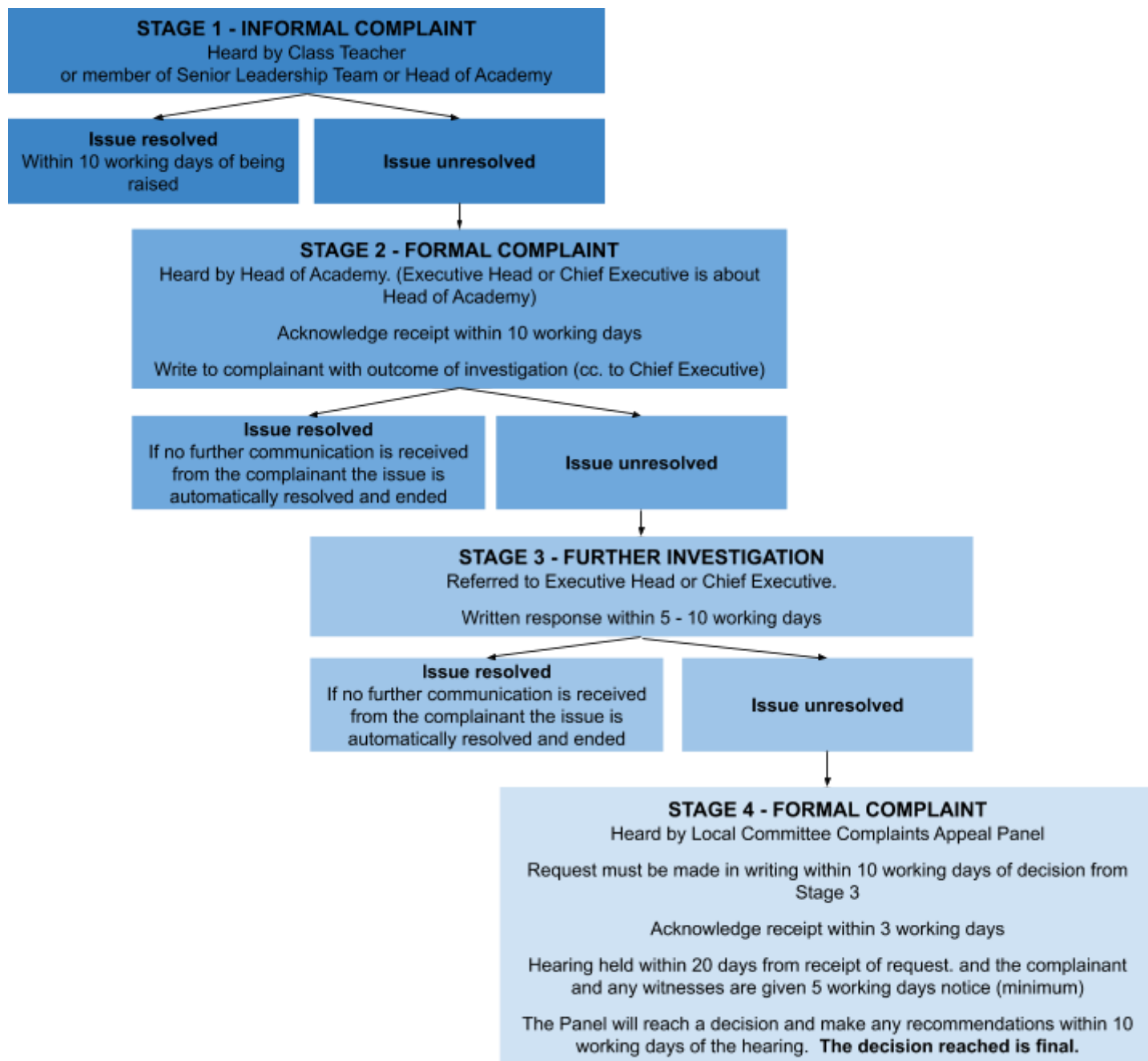
The complainant is then invited to sum up their complaint

The Head of Academy 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 time-scale

Appendix B: Summary of dealing with complaints



If a formal complaint is made, Stage 2 of the process is automatically invoked

Appendix C: Complaint Form

COMPLAINT FORM

Please complete and return to the Head of Academy 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

Appendix D: Policy on dealing with Unacceptable Behaviour

This policy sets out our approach to the very few complainants whose actions or behaviour we consider unacceptable. Complainant's includes anyone acting on behalf of a service user or who contacts our offices in connection with a complaint. Please contact the academy office if you would like a copy of our policy.

The principles set out in this policy also apply to our dealings with people other than complainants.

We seek to:

- Put the individual at the heart of all we do
- Ensure fair and open access for all residents, visitors and members of the business community to our services including those in our community who are hard to reach or have difficulty in dealing with us
- Provide a prompt and responsive service, ensuring that our communications are clear and available in a variety of formats and languages to suit our individual needs
- Make it clear to all complainants, both at initial contact and throughout their dealings with us, what we can or cannot do in relation to their complaint. In doing so, we aim to be open and not raise hopes or expectations that we cannot meet.
- Deal fairly, honestly, consistently and appropriately with all complainants, including those whose actions we consider unacceptable. We believe that all complainants have the right to be heard, understood and respected. We also consider that our employees*(see note at the end of the document) have the same rights.
- Provide a service that is accessible to all complainants. However, we retain the right, where we consider a complainant's actions to be unacceptable, to restrict or change access to our service.

Where behaviour is so extreme that it threatens the immediate safety and welfare of the academy's staff or pupils, we will consider reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

Appendix E: Policy on Dealing with Persistent Complainants

This policy sets out our approach to the very few complainants who persistently use our complaints procedure to the extent that it becomes impossible to operate effectively.

Persistent complainants are those whose contact with the Learning Academy Partnership (South West), Central Office and Academies within the Trust, by their frequency, nature or tone significantly hinder the consideration of their own or other people's complaints. Complainant's includes anyone acting on behalf of a service user or who contacts our offices in connection with a complaint.

The principles set out in this policy also apply to our dealings with people other than complainants.

We seek to:

- Put the individual at the heart of all we do
- Ensure fair and open access for all residents, visitors and members of the business community to our services including those in our community who are hard to reach or have difficulty in dealing with us
- Provide a prompt and responsive service, ensuring that our communications are clear and available in a variety of formats and languages to suit our individual needs
- Make it clear to all complainants, both at initial contact and throughout their dealings with us, what we can or cannot do in relation to their complaint. In doing so, we aim to be open and not raise hopes or expectations that we cannot meet.
- Deal fairly, honestly, consistently and appropriately with all complainants, including those who we consider to be persistent complainants. We believe that all complainants have the right to be heard, understood and respected. We also consider that our employees* have the same rights.
- Provide a service that is accessible to all complainants. However, we retain the right, where we consider the actions of persistent complainants to be unacceptable, to restrict or change access to our service
- Ensure other complainants and our employees do not suffer any disadvantage from persistent complainants
- Ensure the resources of the LAP are used as effectively as possible.

We recognise that the persistent complainant may have a genuine grievance and that being persistent can be a positive advantage when pursuing a complaint. However, it is the nature of their actions which is the problem. Please see full policy for further information.