



Complaints Policy

CONTENTS

Introduction

Stage 1

Stage 2

Stage 3

Appeal to EFA

Vexatious complaints

Monitoring

Confidentiality

Review

Appendices

Introduction

At all LT2 schools we have a strong commitment towards working in positive partnership with the whole community. Our schools are busy places where there are many interactions between pupils, parents/carers and staff as part of the everyday life of the schools. We share an ethos of respecting the rights of all members of the school communities and as part of our curriculum teaching we work to instil this in our pupils.

From time to time something may go wrong. Where any concerns are raised we aim to resolve these as quickly and as efficiently as possible. Usually concerns that are raised can be resolved very quickly through the relevant school's day-to-day communication between parents and the school staff, without anxiety, and in the knowledge that concerns and complaints will be treated seriously, impartially and, except where disclosure is legally required, confidentially.

Where a parent may feel that an issue has not been dealt with appropriately it is important, for all involved, that there is a clear & transparent process for a complaint to be looked at and followed up.

This procedure is available to all parents via every school's website. Parents of prospective pupils registered for entry to a LT2 school are provided with a copy. This policy can also be made available in a different language or more accessible format, on request. The schools will make such reasonable adjustments as necessary to the complaints procedure (rather than policy) to ensure it is readily accessible to those people with a disability.

The kinds of issues that might lead to a formal complaint being made may include:

- The school environment
- Staff conduct
- Bullying
- Discrimination e.g. on the grounds of race or gender

In each of these cases the responsibility for action lies locally with the school. The Trust will not become involved while due process remains available at school level. In some cases a complaint may lead to a disciplinary hearing or an appeal against a decision in which case it may be appropriate for the issue to be dealt with separately from the complaints procedure. This complaints procedure does not deal with complaints for which procedures already exist for dealing with, including each of the following issues:

- Complaints about the statementing process for children with special educational needs

- Disciplinary issues relating to members of staff (although sometimes this may come about as a result of a complaint)
- Allegations of abuse
- Admissions and exclusions
- Provision of collective worship and religious education
- Child Protection matters

Stage 1: Informal resolution

Resolution

Parents or carers should wherever possible seek an early and informal resolution of all concerns. The relevant school will wish to take whatever measures are necessary to sort out any problems effectively before they turn a concern into a complaint; such measures will include some or all of the following:

- giving advice or reassurance
- explaining the context of an incident or decision
- gathering information from other staff or from pupils
- finding information from other sources
- referring the concern or potential complaint to a senior colleague
- reviewing or amending practice
- giving feedback to parents
- apologising for a mistake or oversight

A parent or carer with a concern or potential complaint should normally first contact their child's Headteacher, though other members of staff may need to be involved or consulted, as an informal resolution may be possible that is acceptable to both parties.

Each school will keep a written record of concerns raised with them and the date on which they were received. In common with other correspondence from parents, details of concerns made in this way are kept in pupils' confidential files.

In the event that a parent or carer (or exceptionally, a pupil using this procedure) remains dissatisfied that an acceptable resolution has not been reached through their school's response and within a reasonable time of fifteen (15) school days unless otherwise notified, then the parent is entitled to proceed with a formal written complaint in accordance with the procedure below.

Stage 2: Formal complaints

Stage 2(i) – Formal resolution by a member of the school's management team

If the concern or complaint has not been resolved informally, the parent or carer should put it in writing (a form is available for this purpose), stating that a complaint is being made and stating the complainant's

desired outcome, addressed to their school's Headteacher, who will decide on the appropriate course of action to take.

At this point a formal complaint will be registered and acknowledged. Where necessary, the relevant Headteacher will meet with the parent or carer, within ten (10) school days of receiving the complaint, to discuss the matter and if possible to reach a resolution at this stage. Where a complaint is received during a school holiday, it will be deemed to have reached the school on the first full school day following its arrival.

In all instances it may be necessary to carry out further investigations. The Headteacher will keep written records of all complaints and of meetings held in relation to them. Once the Headteacher is satisfied that all the relevant facts have been established, a response to the parent's or carer's complaint will be made and the parent will be informed in writing, within ten (10) school days: the nature of the response will depend on the nature of the complaint but it will always give a judgement whether and to what extent, if at all, the complaint is justified, and reasons; the response may include actions which the school intends to take or a decision. A parent/ carer who is not satisfied should proceed to the next stage.

Stage 2(ii) – Formal resolution by appeal to the Headteacher

If Stage 2(i) has not resolved the complaint satisfactorily, the parent should write to the Headteacher within ten (10) school days, stating why an appeal for resolution by the Headteacher is requested and, wherever possible, the action which the parent or carer wishes the school to take to resolve the problem. The procedure to be followed by the Headteacher will involve the same steps, timescale, record keeping and form of response as set out for resolution by the Headteacher in Stage 2(i). A complainant not satisfied, after receiving the Headteacher's decision should proceed to Stage 3.

A parent or carer of a pupil in the school may, for complaints of a particularly serious nature or a complaint relating to the actions or conduct of the Headteacher, may choose to address the complaint directly to their school's local Chair of Governors. In this instance the complaint may be investigated by the Chair of Governors and in these instances these people will undertake the tasks associated with the Headteacher in this policy and procedure. In the most serious of cases, the Chair of the Local Governing body may refer the complaint to the Trust, in particular where executive action may be needed in short order.

Stage 3: Independent resolution: panel hearing

If Stage 2 has not resolved the complaint to the satisfaction of the parent or carer, he/she should write within ten (10) school days to their school's Headteacher, requesting a hearing before the complaints panel. The Headteacher will acknowledge the letter of complaint within

five (5) school days.

The panel will not consider any new areas of complaint which have not been previously raised as part of the complaints procedure.

The panel's task is to establish the facts surrounding the complaints that have been made. If the panel considers that the complaint is valid, it will uphold the complaint. If the panel consider that the complaint is without foundation, it will dismiss the complaint. The panel will make these decisions on the balance of probability. It is not within the powers of the panel to make any financial award, nor to impose sanctions on staff, pupils or parents. The panel may make recommendations on these or any other issue to the Headteacher.

A panel of three, consisting of two members of the Local Governing Body and a third independent member will be convened to hear the complaint, within fifteen (15) school days. This independent member will not be associated in any way with the relevant school or the Trust and will be a person of with professional competence (usually a serving or retired Head) or failing that through the appointment of an Independent Person, who would meet the standard for independence, as defined by the requirement that is laid down in The Children Act 1989 Representations Procedure (England) Regulations and Guidance, "Getting the Best from Complaints". None of these members will have been involved in the matters detailed in the complaint. It is important that the complaint panel should not only be independent, but be seen to be so. The full governing body should not consider individual complaints in case the investigation leads to a disciplinary hearing that would need to be heard by a separate group of governors. Similarly, some governors may have prior knowledge of a problem, which might make them unable to give fair and unbiased consideration to the issue.

The Headteacher of the school which received the complaint will appoint a clerk to the panel from amongst their staff. Members of the panel will have access to all relevant documentation and will be able to ask the school and the parent or carer for any other relevant information or documentation. It is intended that the process should not be legalistic. Parents may be accompanied at this meeting by another family member, if appropriate and by another person (e.g. relative, friend or a relevant specialist). If possible, the panel will resolve the parent's or carer's concern without further investigation. Where further investigation is needed, the panel will decide how to carry out the investigation.

After due consideration of all relevant facts, the panel will give a written finding in response to the complaint: the finding will depend on the nature of the complaint but the panel will always give a judgement whether and to what extent, if at all, the complaint is justified, and the panel's reasons. The finding may include recommendations or actions

which the panel requires the school to take. The finding of the panel will be final. A copy of the finding will be sent to the complainant, Headteacher and any, where relevant, person who is the object of the complaint by electronic mail. Where electronic mail is not appropriate, a copy will be given or sent in the post. A written response to the complainant will be made as soon as possible but in any case within 15 school working days of the panel

Appeal to the Education Funding Agency

If the complainant is still not happy by this stage, an appeal can be made to the Education Funding Agency (EFA) who will investigate complaints about:

- Undue delay or non-compliance with published complaints procedures;
- Allegations that the School has failed to comply with a duty imposed on it under its Funding Agreement with the Secretary of State ;
- Allegations that the School has failed to comply with any other legal obligation placed on it, except in cases where there is another body or organisation that is, in the view of the EFA, better placed to consider and if necessary, take further action in connection with the issue.

The EFA will not usually investigate complaints until the School's own complaints procedure, including any hearing, has been exhausted. The EFA may decide to investigate before the School's procedure has been exhausted if it has reason to believe either that:

- A complaint was made to the School and the School has had a reasonable opportunity to investigate it and respond, but has failed to do so; or
- There are circumstances which mean it is not reasonable for the matter to be brought to the attention of the School.

The EFA will not usually investigate complaints about:

- Examination results or curriculum content where a more appropriate form of redress would be the examining body or Ofqual;
- Statements of special educational needs where there is an appeal to the First-tier Tribunal (SEND);
- Matters that are the subject of legal action.

The EFA will not investigate complaints more than 12 months after the decision or action was taken unless the complainant has good reason for the delay in making the complaint. Further detail concerning the procedure the EFA will undertake in dealing with complaints can be obtained from EFA.

If a complainant is dissatisfied with the way in which the EFA has dealt with their complaint against a School, the complainant may notify the EFA of this. As an Executive Agency of the Department for Education (DfE) complaints about the EFA will be handled in accordance with the DfE's complaints process. Further details of this can be obtained from the DfE.

Vexatious complaints

A good procedure can help limit the number of protracted complaints. It is not appropriate to make personal accusations or attacks on members of school staff, or to raise matters that are not about education or a pupil's well-being. It is also not appropriate to make unsubstantiated allegations against the school, or to behave unreasonably by not engaging with the school to attempt a joint resolution. If a complainant attempts to reopen issues that have been dealt with through the complaints procedure it will be explained that the procedure has been exhausted.

If a complainant acts unreasonably by continuing to raise similar issues, or raising a range of unrelated issues on a repeated basis then the school reserves the right not to respond. If a complainant in this category refuses to engage in the school's formal complaints procedures, but continues to complain, then the Headteacher or chair of governors will inform the complainant that the complaints are vexatious.

If the complainant believes that the school has acted unreasonably they may appeal to the Education Funding Agency on behalf of the Secretary of State for Education as detailed in the section above.

Monitoring complaints

Each school will monitor complaints. Details to include:

- Name of complainant
- Details of the complaint
- How the complaint was investigated and by whom
- When the complaint was made
- The results and conclusions of the investigation(s)
- Any action taken as a result

Confidentiality and Record-keeping

A record will be kept by all schools of all complaints received, including a note of the stage at which the complaint was resolved. All complaints resolved at the formal stage will be recorded in the school's complaint book. A copy of the panel's findings and recommendations will be available on the school premises for inspection by the Headteacher and Trustees. Correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection under section 162A of the 2002 Act, as amended, requests due access to them.

A record of complaints will be kept by the school and the Trust for three years.

Details of our complaint procedure will be available on each school's website and also on request through the main school office at any school. All LT2 school staff and local governors must be aware of the complaints procedure, to ensure a consistent approach in dealing with concerns. A copy of this complaints procedure is available on request in large print.

Review

This policy will be reviewed annually by the Trust

Date of Policy:	June 2016
Approving Body:	Trust Board
Approved by:	Trust Board
Date of Approval:	June 2016
Date of Adoption:	June 2016
Date of Next Review:	June 2018

**Appendix A
Complaint Form**

Your name:

Pupil's name:

Your relationship to pupil:

.....

School:

.....

Your address and postcode:

.....

.....

.....

.....

Your daytime telephone number:

Your evening telephone number:

Your complaint is (include details of actions already taken by the school to try to resolve the situation):

.....

.....

.....

.....

.....

.....
.....
.....
.....
.....
.....
.....
.....

(If you run out of space, please use extra paper)

What would you like as an outcome from your complaint?

.....
.....
.....
.....
.....
.....

Are you attaching any paperwork? If so, please give details:

.....
.....

Your signature: Date:

All functions of the complaints procedure must adhere to the requirements of the Data Protection Act, 1998 and the Freedom of Information Act, 2000.

The School will, in following this procedure, refer to any relevant legislation including all human rights based legislation.

Please complete and return to the school office. Your complaint will be acknowledged with an explanation of what happens next.