



Complaints Policy

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Complaints Policy

Introduction

At Leger Education Trust we are committed to ensuring that the highest standards are maintained in all Academies within the Trust, both in the provision of education to students and in every other aspect of the running of the Academy. A complaints procedure is an important part of the management of a well-run school, allowing parents and others the opportunity to voice any concerns they may have through appropriate channels. This policy explains the procedure which has been adopted by the Academy Governing Bodies in our Academies to ensure a timely, systematic and fair approach to the resolution of such concerns.

We recognise the need to be clear about the difference between a concern and a complaint. By taking informal concerns seriously at the earliest stage we aim to reduce the numbers that develop into formal complaints. We aim to ensure that concerns are handled, if at all possible, without the need for formal procedures. Our formal complaints procedure is only necessary if efforts to resolve the concern informally are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

This policy does not cover certain types of complaints which are dealt with under separate procedures. These are:

- Any complaint relating to child protection, which will immediately be raised with the Local Authority for them to handle.
- Curriculum complaints - addressed under the Curriculum Complaints Procedure.
- SEN complaints – addressed under the SEN procedures;
- Admissions – addressed under the admissions and admissions appeals procedures.
- Complaints by staff- addressed under the school's Grievance Procedures.
- Whistle-blowing (matters of impropriety eg a breach of law, school procedures or ethics) – addressed under the whistle-blowing procedure.

A complaint may result in disciplinary action by the Academy against a member of staff, which would be confidential between that member of staff and the Academy, but otherwise the Academy will endeavour to keep complainants fully informed of the handling of any complaint. Any complaint will be kept confidential unless it is necessary to involve other parties and will be dealt with as quickly as possible.

In all academies, the Headteacher/Principal has overall responsibility for the operation and management of the Academy complaints procedure. Whilst, in general, any written complaint should be addressed to the Headteacher/Principal, in practical terms the Headteacher/Principal will normally nominate a senior member of staff to investigate the matter and ensure that all appropriate informal procedures have been exhausted. It is expected that attempts will be made to resolve difficulties informally with the class teacher/ form tutor/Head of Year/Senior member of staff before being referred to the Headteacher/Principal. The informal stage of the procedure should be exhausted before the matter is referred to the formal stage. If any substantial complaint is made to a member of staff, it should be referred to his or her line manager or Headteacher/Principal, as appropriate, if it cannot be resolved immediately, by the member of staff, to the satisfaction of the parent.

A written record will be kept of all complaints by the academy, including informal complaints. This record will confirm the level at which the complaint is resolved, including whether it progresses to a formal hearing. The Headteacher/Principal is responsible for ensuring that staff record all complaints and their outcome.

A record will be made of any actions taken by the academy as a result of those complaints (regardless of whether they are upheld).

Records relating to individual complaints are confidential except where the secretary of state or a statutory body conducting an inspection request access to them.

Stages in the Procedure

There are three stages in the Complaints Procedure: Informal stage, when the complaint is heard by a member of staff, Formal stage when the complaint is heard by the Headteacher/Principal or Senior Member of Staff; Formal Appeal stage when the complaint is heard by the Academy Governing Body Complaints Appeal Panel if the parent is not satisfied with the outcome of the Second stage.

At each stage in the procedure we will remain mindful of ways in which a complaint can be resolved, which may include 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 school policies in light of the complaint

Complainants will be encouraged to state what actions they feel might resolve the problem at any stage, always acknowledging that an apology or admission that the school could have handled the situation better is not the same as an admission of negligence.

Stage 1 - Informal Stage

In this stage, the class teacher/ form tutor/ Head of Year, but not anyone who is the subject of the complaint, will deal with the complaint. Most concerns can be adequately resolved by discussion with the class teacher/form tutor/Head of Year/ or with other members of staff. There may be no need for the complaint to be put in writing, which would formalise matters and may lead some complainants to feel less prepared to articulate concerns. The complaint should be resolved within ten school days. However, if the complainant is not satisfied and wishes to take the matter further they will be required to put their concerns in writing and submit this to the Headteacher/Principal within ten school days. The Headteacher/Principal will be informed and stage 2 is implemented.

Stage 2 – Formal Stage

If the concern is not met to the complainant's satisfaction by discussion, then:

- The complainant puts the complaint in writing
- The initial recipient of the complaint should refer the matter to the Headteacher/Principal or a designated member of the senior leadership team with the Academy.
- The Headteacher/Principal, or a designated member of the Senior Management, will investigate the circumstances of the complaint and may find it appropriate to ask for written statements from staff or students and to call for any relevant documentation. If the complaint is against a member of staff, that member of staff has a right to be given details of the complaint and the opportunity to make representation about it. The person investigating the incident will take these details into account.
- The Headteacher/Principal or designated member of staff will consider the complaint but it will be the Headteacher/Principal who will decide what action is required and respond to the complainant with the outcome of the investigation, normally within ten school working days of receipt of the substance of the complaint. The response may be in writing or at a meeting with the complainant followed by written confirmation of the outcome.

If the Academy or a member of the Academy Governing Body receives a formal request for the governors to consider a complaint, the complainant will be advised that the school procedures are that all formal / written complaints are given consideration by the Headteacher/Principal in the first instance, see stage 2.

If a complaint concerns the conduct of the Headteacher/Principal or a governor, or where the Headteacher/Principal or governor has been involved in the issue previously, then the matter will be referred to a senior member of staff or member of the Academy Governing Body not previously involved.

In some circumstances, the Academy also reserves the right to refer the matter to an external body where the Headteacher/Principal or Academy Governing Body determines it would be appropriate.

The complainant will be informed of his or her right to have the matter referred to the Academy Governing Body's Complaints Appeal Panel if the outcome of stage 2 is not satisfactory, in which case Stage 3 is implemented. The time frame in which an appeal must be lodged in writing is five school working days. Any such request by a complainant should be addressed to the Chair of the Academy Governing Body.

Stage 3 – Formal Appeal Stage

Academy Governing Body Complaints Panel

If a hearing is requested, the Chair of the Academy Governing Body will be informed and an Academy Governing Body Complaints Appeal Panel will be assembled supported by a nominated person to act as clerk to the Appeal Panel.

- The complainant will be informed by the clerk of the new timescale for the governors' investigation in preparation for the hearing. This would normally be within 15 school working days but the length of time will depend upon the nature of the complaint and other variable factors. If the investigation is likely to exceed 15 school working days, realistic time limits will be set and the complainant advised accordingly.
- A Academy Governing Body Complaints Appeal Panel will be assembled comprising three members, two of whom will be members of the Academy Governing Body and the third will be an individual who is independent of the Academy. None of the Appeal Panel members will have had any previous connection to the complaint and one of them will act as chair for the meeting.
- The clerk will write to the complainant, the Headteacher/Principal, Chair of the Academy Governing Body and Appeal Panel members giving details of the meeting, requesting copies of any documents to be put before the meeting and the names of any witnesses that either party may wish to attend.
- The clerk will inform the complainant of the right to be accompanied by a friend and request details of anyone attending in such a capacity.
- The hearing will be on reasonable notice and be held as soon as practicable after receipt of the referral.

The procedure at the hearing will be sensitive and appropriate for the circumstances and is at the discretion of the chair of the Governors' Complaints Appeal Panel, but is likely to involve:

- presentation of the complaint
- a reply by the Headteacher/Principal or governor
- questioning of all parties
- representation about ways to resolve the complaint satisfactorily

If necessary, the panel will withdraw to consider their findings of fact on the evidence put before them and their conclusions, which may include measures to redress problems identified.

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 school's procedures to ensure that similar problems do not recur.

The decision of the Governors' Complaints Appeal Panel is final.

After the hearing the clerk will send a copy of the findings and any recommendations of the panel by letter to the complainant and, where relevant, to the person complained about, within five school working days. A copy of this letter will be retained in the Academy and will be available for inspection by the proprietor and the Headteacher/Principal.

If, despite following appropriate procedures, the complainant remains dissatisfied, or tries to reopen the same issue, the Chair of the Academy Governing Body will inform them in writing that the procedure has been exhausted and that the matter is now closed, and if they wish to take the complaint further they

must complete the form available from the Education and Skills Funding Agency (ESFA). The ESFA will not overturn the governors' decision about the complaint but will check whether:

- There has been undue delay in the proceedings.
- That the procedures in the school's policy and other relevant policies were followed correctly.
- That the school has complied with its funding agreement with the Education Secretary.
- That the policy meets all legal requirements.

Further information can be found on the DfE website.