



# COMPLAINTS POLICY

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| Last review date                 | April 2022    |
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| Date for next review             | April 2024    |

## Document History

Document version numbering will follow the following format. Whole numbers for approved versions, eg 1.0, 2.0, 3.0 etc. Decimals will be used to represent the current working draft version, eg 1.1, 1.2, 1.3 etc. For example, when writing a procedural document for the first time the initial draft will be version 0.1.

The table below provides details of the changes made to this document, to inform those reviewing and approving the document.

| Version No. | Date of Review | Section                           | Details of Change   | Ratification/ Approval | Date Approved            |
|-------------|----------------|-----------------------------------|---|------------------------|--------------------------|
| 2           | 26/04/22       | Introduction                      | Values updated from six Es to three   | Trust Board            | Values approved 14/09/21 |
| 2           | 28/04/22       | All                               | References made to 'Clerk' amended to 'Trust Governance Professional'   | Trust Board            |                          |
| 2           | 28/04/22       | How to raise a complaint (page 8) | Inclusion of Trust central office address and general enquiries email.  | Trust Board            |                          |
| 2           | 28/04/22       | Stage 2 – Formal Complaints       | Procedure regarding complaints about the Headteacher amended (Chair of Governors replaced with Executive Team). | Trust Board            |                          |

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## Introduction

The Leading Edge Academies Partnership (the 'Trust') is a team of school leaders that aim to be Leading Edge and pioneering in their approach to education and well-being. We are a growing family of like-minded schools that offer a values-based education to the communities we serve and welcome staff, workers, students, parents/carers and volunteers from all different ethnic groups and backgrounds.

The term 'Trust Community' includes all staff, trustees, governors, students, parents/carers, volunteers and visitors.

We are a values-based Trust, which means all actions are guided by our three 'Es' as follows:

- **Excellence** – 'Outstanding quality'
- **Evolution** – 'Continuous change'
- **Equity** – 'Fairness and social justice'

This policy is based on the value of 'Equity'

The Trust strives to ensure that everyone treats each other with respect, responsibility and builds positive relationships. If harm is done, then the relationship is restored.

### Related policies

This Complaints Policy is consistent with all Trust policies, including:

- Safeguarding and Child Protection Policy
- Admissions policy
- Exclusion policy
- Equality and Diversity Policy
- Staff Code of Conduct
- Safer Recruitment Policy
- Staff Discipline and Grievance Procedures
- Whistleblowing Policy

### How this policy links to other guidance

This policy should be read in conjunction with the DfE guidance on school complaints procedures.

Public Enquiries **0870 000 2288**, <http://www.education.gov.uk>

## Legislation and Guidance

This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

## Policy Statement

Each school within the Trust welcomes feedback, both positive and negative, about how it is doing. Where someone has a concern or complaint, each school will endeavor at all times to deal with the issues responsively and reasonably and, if necessary, put things right as quickly as possible. The Trust aims to meet its statutory obligations when responding to complaints from parents of pupils at any of its member Academies and others.

We value good home/school relations within the Trust and will, therefore, do everything we can to establish and maintain them. This includes seeking to resolve any concerns or complaints promptly, and to the satisfaction of all concerned.

We will treat all concerns and complaints seriously and courteously and will advise parents/carers and others of the Trust's procedures for dealing with their concerns. In return, we expect parents and other complainants to behave respectfully towards all members of the Trust Community. In particular, any disagreement with the Trust should not be expressed inappropriately or in front of pupils.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect and courtesy
- Ensure that any decision we make is lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We aim to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed. The school will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the school website.

Complaints will be treated confidentially with written records being securely retained. A written record will be kept of all complaints made, together with details of whether they were resolved following the formal procedure or progressed to a panel hearing.

The Trust will record all actions taken as a result of the complaint, regardless of whether it is upheld.

All correspondence, statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

Throughout the process, we will be sensitive to the needs of all parties involved and make any reasonable adjustments needed to accommodate individuals.

### **Aims**

This policy is not intended to replace the normal discussions on day-to-day concerns which take place in any school within the Trust.

However, should a complainant remain dissatisfied with the outcomes from such discussions then this policy will come into force.

The aim of this policy is to ensure that a clear, logical and unambiguous process is set out, both for those who have a genuine grievance to raise or for those staff who may have had a complaint made against them, all for the good of the pupils in the schools.

The benefits of this policy are to:

- ensure concerns are dealt with quickly, fully and fairly and within clearly defined time limits;
- provide effective responses and appropriate redress;
- maintain good working relationships between all people involved with the Trust;
- respect complainant's desire for confidentiality

## Policy Procedures

### Who can make a complaint?

This complaints procedure is not limited to parents or carers of children or young people that are registered at any school within the Trust. Any person, including members of the public may make a complaint to the Trust about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions and admissions), we will use this complaints procedure.

In the event a complaint concerns the wellbeing or safety of a child, schools have a duty to report this to the Local Authority and any action taken will be in accordance with the Trust's Safeguarding and Child Protection Policy (which is available on all websites across the Trust).

If it is determined that staff disciplinary or capability proceedings are required to resolve an issue, the complainant will only be informed that action is being taken and the outcome of any such action. The complainant will not be entitled to participate and details of the proceedings will remain confidential to the Headteacher and/or the individual's line manager.

### The difference between a concern and a complaint

The DfE guidance explains the difference between a concern and a complaint:

*A concern may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.*

*A complaint may be defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.*

From time to time parents will raise legitimate concerns about their child's education; these are dealt with as a matter of routine, without formal procedures, normally by the class teacher and are not generally regarded as 'complaints' in the formal sense. Taking concerns seriously and dealing with them quickly can reduce the number of formal complaints. Occasionally a parent's concern may become more serious and develop into a complaint and be a clear statement of dissatisfaction. This may relate to a variety of issues including:

- The way in which an initial concern was handled;
- The conduct or actions of pupils;
- The action or lack of action of members of staff;
- Inappropriate discipline;
- Lack of information.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. All Trust academies take concerns seriously and will make every effort to resolve the matter as quickly as possible.

### How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with either the form tutor or Headteacher. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual governors to raise concerns or complaints.

Complaints against school staff (except the Headteacher) should be made in the first instance to the Headteacher via the school office. Please mark any complaint in writing as 'Private and Confidential'.

Complaints that involve or are about the Headteacher should be addressed to the Trust Governance Professional at the Trust's central office (Unit H, Pattern Shop, Trevoarn, Hayle, TR27 4EZ) or via email to [info@leadingedgeacademies.org](mailto:info@leadingedgeacademies.org). Please mark any complaint in writing as 'Private and Confidential'.

Complaints about the Chair of the Local Academy Committee ('LAC'), any individual governor or the whole governing body should be addressed to the Clerk to the respective LAC via the school office. Please mark any complaint in writing as Private and Confidential.

Complaints about the Chief Operations Officer (COO) should be made to the CEO via the Trust central office. Please mark any complaint in writing as 'Private and Confidential'.

Complaints that involve or are about the Chief Executive Officer (CEO) or a trustee of the Trust, should be addressed to the Trust Governance Professional via the Trust's central office. Please mark any complaint in writing as 'Private and Confidential'.

Complaints about the Chair of the Trust Board, or the whole Trust Board should be addressed to the Trust Governance Professional via the Trust's central office. Please mark any complaint in writing as 'Private and Confidential'.

For ease of use, a template complaint form is included at the end of this procedure (see Appendix 1). If you require help with completing the form, please contact either the school office or Trust Governance Professional as appropriate. You can also ask a third-party organisation like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

### **Anonymous complaints**

We will not normally investigate anonymous complaints. However, the CEO, Headteacher, a member of the Executive Team or Chair of the Trust Board, as appropriate, will determine whether the complaint warrants an investigation.

### **Timescales**

The complainant must raise the complaint within **3 months** of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this timeframe in circumstances where there are valid reasons for not making a complaint at the time and the complaint can still be investigated in a fair manner for all involved.

If at any point we cannot meet the timescales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

### **Complaints received outside of term time**

When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period.

### **Scope of this Complaints Policy**

This procedure covers all complaints about any provision of community facilities or services by the Trust other than complaints that are dealt with under the statutory procedures, including those listed below:



| Exceptions  | Who to contact  |
|---|---|
| <ul style="list-style-type: none"> <li>Admissions to schools</li> <li>Statutory assessments of Special Educational Needs</li> <li>School re-organisation proposals</li> </ul> | <p>Concerns about admissions, statutory assessments of Special Educational Needs or school re-organisation proposals should be raised with Cornwall Council.</p>  |
| <ul style="list-style-type: none"> <li>Matters likely to require a Child Protection Investigation</li> </ul>  | <p>Complaints about child protection matters are handled under our Safeguarding and Child Protection policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO), who has responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).</p>  |
| <ul style="list-style-type: none"> <li>Exclusion of children from school*</li> </ul>  | <p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a></p> <p><i>*complaints about the application of the Behavior Policy can be made through the Academy's complaints procedure.</i></p>  |
| <ul style="list-style-type: none"> <li>Whistleblowing</li> </ul>  | <p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our school should complain through the Trust's/Academy's complaints procedure. You may also be able to complain direct to the Local Authority or the Department for Education (see link above), depending on the substance of your complaint.</p> |
| <ul style="list-style-type: none"> <li>Staff grievances</li> </ul>  | <p>Complaints from staff will be dealt with under the Trust's/school's internal grievance procedures.</p>   |
| <ul style="list-style-type: none"> <li>Staff conduct</li> </ul>   | <p>Complaints about staff will be dealt with under the Trust's/school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the</p>   |

|   |   |
|---|---|
|   | complainant will be notified that the matter is being addressed.  |
| <ul style="list-style-type: none"> <li>Complaints about services provided by other providers who may use school premises or facilities</li> </ul> | Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.               |
| <ul style="list-style-type: none"> <li>National Curriculum – content</li> </ul>   | Please contact the Department for Education at:<br><a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a> |

Arrangements for handling complaints from parents of children with special educational needs (SEND) about a school's support are within the scope of this policy. Such complaints should first be made to the form tutor, special educational needs co-ordinator or Headteacher; they will then be referred to this complaints policy. Our SEND policy includes information about the rights of parents of pupils with disabilities who believe that the Trust, or a school within the Trust, has discriminated against their child.

Complaints about services provided by other providers who use trust premises or facilities should be directed to the provider concerned.

If other bodies are investigating aspects of the complaint, for example the police, Local Authority (LA) safeguarding teams or Tribunals, this may have an impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against a school in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

### Resolving complaints

At each stage in the procedure, the school wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- An explanation
- An admission that the situation could have been handled differently or better
- An assurance that we will try to ensure the event complained about will not recur
- An explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- An undertaking to review school policies in light of the complaint
- An apology

### Withdrawal of a Complaint

If a complainant wishes to withdraw their complaint, we will ask them to confirm this in writing.

## Complaints Procedure

The complaints procedure is formed of three stages:

- Stage 1 – Informal Resolution
- Stage 2 – Formal
- Stage 3 – Panel Hearing

## Stage 1 – Informal resolution

Many enquiries and concerns can be dealt with satisfactorily by the form tutor, Headteacher, teacher or other members of staff, without the need to resort to a formal procedure. The Trust values informal meetings and discussions as a way of improving its procedures and relations with parents and carers.

As soon as possible after the incident about which a complainant has concerns, they should ask to meet with the appropriate member of staff to discuss the matter. If it is not possible for that member of staff to deal with the issue, then the Headteacher may meet with the complainant to discuss the matter instead. There is no requirement for an informal complaint to be put in writing.

The informal stage may involve:

- A meeting between the complainant and appropriate member of staff
- Provision of additional information or clarification
- Amendments to provision or practice
- Provision of additional support or guidance
- Mediation

## Conflict resolution

An informal complaint will be investigated and a response given within **10 school days**. At the end of the discussion it will be made clear to the complainant what action, if any, will be taken, the timescale within which it will take place and how they will be notified of any outcome. In exceptional circumstances, a response may be given outside the stated 10 days, in which case the reasons for the delay and an achievable response time will be advised to the complainant.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

## Stage 2 – Formal Complaints

Formal complaints must be made to the Headteacher (unless they are about the Headteacher), via the school office. This may be done in person, in writing (preferably on the Complaint Form - see Appendix 1), or by telephone.

The Headteacher will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within **5 school days**.

Within this response, the Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Headteacher can consider whether a face-to-face meeting is the most appropriate way of doing this.

*Note: The Headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.*

During the investigation, the Headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those about which a complaint has been made, allowing them to be accompanied if they wish; and
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Headteacher will provide a formal written response within **20 school days** of the date of receipt of the complaint.

If the Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of the actions the school will take to resolve the complaint.

The Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

Complaints about the Headteacher, a member of the Trust Board, governing body (including the Chair or Vice Chair) must be made in the first instance to the Trust Governance Professional via the Trust's central office, who will refer the matter to the Executive Team.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Local Academy Committee or
- the majority of the Local Academy Committee

then Stage 2 will be escalated to the CEO of the Trust.

### **Stage 3 – Panel Hearing**

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3, which involves a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint, with one panel member who is independent of the management and running of the school.

This is the final stage of the complaints procedure.

#### **The aim of the panel hearing will be:**

- reconciliation
- to put right the things that may have gone wrong

A request to escalate to Stage 3 must be made to the Trust Governance Professional, via the Trust's central office, **within 10 school days** of receipt of the Stage 2 response. Requests received outside of this timeframe will only be considered if exceptional circumstances apply.

The Trust Governance Professional will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within **5 school days**.

The Trust Governance Professional will write to the complainant to inform them of the date, time and location of the panel hearing at least **5 working days** in advance. They will aim to convene a meeting between **12 and 20 days** of receipt of the Stage 3 request. If this is not possible, the Trust Governance Professional will provide an anticipated date and keep the complainant informed. However, the Appeal Panel reserves the right to convene at their convenience rather than that of the complainant.

If the complainant rejects the offer of three proposed dates, without good reason, the Trust Governance Professional will decide when to hold the meeting. It will then proceed in the complainant's absence based on written submissions from both parties.

If the complaint is:

- Jointly about the Chair and Vice Chair, or
- The entire Local Academy Committee, or
- The majority of the Local Academy Committee

Stage 3 will then be heard by the Trustees and an independent panel member.

A complainant may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the panel hearing. However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

*Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least **5 school days** before the meeting, the Trust Governance Professional will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least **5 school days** before the meeting

Any written material will be circulated to all parties at least **5 school days** before the date of the meeting. The Panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The Panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The Panel will consider the complaint and all the evidence presented. The Panel can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part

If the complaint is upheld in whole or in part, the Panel will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the Trust's systems or procedures to prevent similar issues in the future

The Chair of the Panel will provide the complainant and school with a full explanation of their decision and the reason(s) for it, in writing, within **10 school days** of the panel hearing.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by the school.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school will take to resolve the complaint.

The Panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person about which a complaint was made.

A written record will be kept of all complaints and of whether they were resolved at the preliminary stage or proceeded to a panel hearing.

### **Complaints escalated to or about the Trust, CEO or Trustee**

If a complaint is escalated to the Trust or if a complainant wishes to complain directly about the Trust, then the complaint should be sent to the Trust Governance Professional to be investigated.

The Trust Governance Professional will write to the complainant acknowledging the complaint within **5 school days** of the date that the written request was received. The acknowledgement will confirm that the complaint will be investigated under Stage 3 of this Complaints Policy and confirm the date for providing a response to the complainant.

Following the investigation, the relevant person will write to the complainant confirming the outcome within **10 school days** of the date that the letter was received. If this time limit cannot be met, the

relevant person will write to the Complainant within **5 school days** of the date that the letter was received, explaining the reason for the delay and providing a revised date.

If the complaint concerns the CEO or a Trustee, the complaint should be investigated by the Chair of the Trust Board. If a formal complaint form is received about the Chair, the complaint will be referred to the Vice Chair for investigation.

*Note: Where the Chair of the Trust Board has investigated the complaint, they will write the letter of outcome to the complainant and provide a copy to the CEO.*

If the complainant is not satisfied with the outcome of the previous stage, the complainant should write to the Trust Governance Professional asking for the complaint to be heard before a Complaint Panel, within **20 school days**. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Trust Governance Professional will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within **5 school days**.

The Trust Governance Professional will write to the complainant to inform them of the date, time and location of the meeting at least **5 working days** in advance. They will aim to convene a meeting within **12 and 20 school days** of receipt of the Stage 3 request. If this is not possible, the Trust Governance Professional will provide an anticipated date and keep the complainant informed. However, the Complaint Panel reserves the right to convene at their convenience rather than that of the complainant.

If the complainant rejects the offer of three proposed dates, without good reason, the Trust Governance Professional will decide when to hold the meeting. It will then proceed in the complainant's absence based on written submissions from both parties.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Trust Board or
- the majority of the Trust Board

Stage 3 will be heard by a completely independent Complaint Panel.

The Complaint Panel will consist of three members. None of the three members of the Complaint Panel will have been involved in the incidents or events which led to the complaint or dealing with the complaint in the previous stages or have any detailed prior knowledge of the complaint.

One of the Complaint Panel members will be independent of the management and running of the school/Trust. This means that the independent Complaint Panel member will neither be a Trustee or an employee of the Trust.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the meeting. However, there may be occasions when legal representation is appropriate.

For instance, if an employee of the Trust is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

*Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least **5 school days** before the meeting, the Trust Governance Professional will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible

- request copies of any further written material to be submitted to the committee at least **5 school days** before the meeting.

Any written material will be circulated to all parties at least **5 school days** before the date of the meeting. The Panel will not normally accept as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The Panel will not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The Panel will consider the complaint and all the evidence presented. The Panel can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part

If the complaint is upheld in whole or in part, the Panel will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school or Trust's systems or procedures to prevent similar issues in the future

The Chair of the Panel will provide the complainant and CEO with a full explanation of their decision and the reason(s) for it, in writing, within **10 school days** of the panel meeting.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by the Trust.

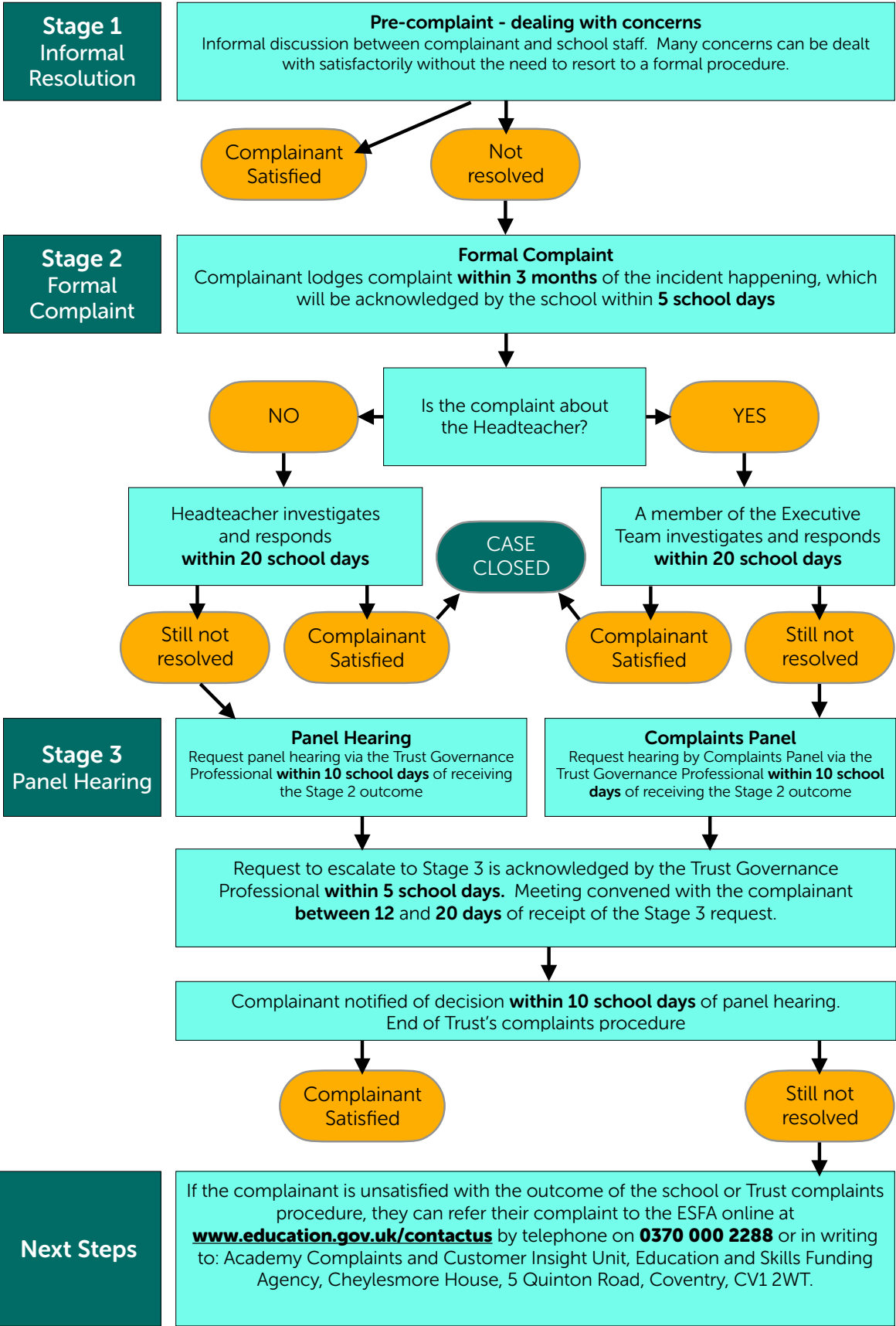
The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the Trust will take to resolve the complaint.

The Panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about.

A written record will be kept of all complaints and of whether they were resolved at the preliminary stage or proceeded to a panel hearing.

# Summary of the Complaints Procedure

## Complaint Procedure Flowchart





## Next Steps

### Referring complaints on completion of the school and Trust procedures

If the complainant is unsatisfied with the outcome of the school or Trust complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly. The ESFA will not overturn the school or Trust's decision about a complaint. However, it will look into:

- Whether there was undue delay, or the school or Trust did not comply with its own complaints procedure
- Whether the Trust was in breach of its funding agreement with the Secretary of State
- Whether the Trust has failed to comply with any other legal obligation

If the complaint was not dealt with properly, the school or Trust will be asked to re-investigate the complaint. If the complaints procedure is found not to meet regulations, the Trust will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

The complainant can refer their complaint to the ESFA online at:

[www.education.gov.uk/contactus](http://www.education.gov.uk/contactus) by telephone on: **0370 000 2288** or by writing to:

Academy Complaints and Customer Insight Unit  
Education and Skills Funding Agency  
Cheylesmore House  
5 Quinton Road  
Coventry  
CV1 2WT

## Persistent complaints

### Unreasonably persistent complaints

Most complaints raised will be valid and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before and it has already been resolved by following the school's complaints procedure.
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive.
- Knowingly provides false information.
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure.
- Pursues a valid complaint in an unreasonable manner eg refuses to articulate the complaint, refuses to co-operate with the complaints procedure or insists that the complaint is dealt with in ways that are incompatible with this procedure and the specified timeframes.
- Changes the basis of the complaint as the investigation goes on.
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time.
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value.

### Steps we will take

We will take every reasonable step to address the complainant's concerns and provide a clear statement of our position and their options. We will maintain our role as an objective arbiter

throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address.
- Limit the number of times the complainant can make contact, such as a fixed number per term.
- Ask the complainant to engage a third party to act on their behalf, such as Citizens Advice.
- Put any other strategy in place as necessary.

### **Stopping responding**

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns.
- We have provided a clear statement of our position and their options.
- The complainant contacts us repeatedly and we believe their intention is to cause disruption or inconvenience.

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from a school site within the Trust.

### **Duplicate complaints**

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we had not previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue and the local process is complete.
- Direct them to the ESFA if they are dissatisfied with our original handling of the complaint.

If there are new aspects, we will follow this procedure again.

### **Complaint campaigns**

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website.
- Sending a template response to all of the complainants.

If complainants are not satisfied with the school's response and wish to pursue the complaint further, the normal procedures will apply.

### **Record Keeping**

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved and the final outcome. The records will also include copies of letters and emails and notes relating to meetings and telephone calls.

This material will be treated as confidential, held centrally and viewed only by those involved in investigating the complaint or on the review panel.

This is except where the Secretary of State (or someone acting on their behalf) or the complainant requests access to records of a complaint through a Freedom of Information (FOI) request or through a subject access request under the terms of the Data Protection Act 2018, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and record retention schedule.

## **Lessons Learnt**

The Complaint Panel will review any underlying issues raised by complaints with the Headteacher where appropriate and respecting confidentiality, shall determine whether there are any improvements the school/Trust can make to its procedures or practice to help prevent similar events in the future.

## **Monitoring and Evaluation**

The Trust will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Finance and Resources Committee will track the number and nature of complaints and review underlying issues as stated above in Lessons Learnt.

It is the responsibility of the CEO and Board of Trustees to ensure that the procedures outlined above are closely followed and a review of these procedures should be made in the light of any formal action to ensure that any parties involved feel confident that they have been fairly represented.

The complaints records are logged and managed by the Headteacher of each school.

This policy will be reviewed by the Trust Governance Professional every 2 years.

At each review, the policy will be approved by the Trust Board.

## **Impact of Policy**

This policy has set out clear routes and guidelines for all stakeholders who wish to make a complaint about staff or procedures at Leading Edge Academies Partnership. This will ensure that correct procedures are followed by all concerned and those facing a possible complaint understand their rights and responsibilities during any investigation.

# Appendix 1 – Complaints Form

Please complete and return to the Headteacher, Chair of the Trust Board or Trust Governance Professional as appropriate, who will acknowledge receipt and explain what action will be taken.

|  |  |
|--|--|
| Your name:                                       |  |
| Pupil's name (if applicable):                    |  |
| Your relationship to the pupil (if applicable):  |  |
| Address:   |  |
| Daytime telephone number:*                       |  |
| Evening telephone number:*                       |  |
| Email address:*                                  |  |
| <i>*Please indicate preferred contact option</i> |  |
| Please give details of your complaint.           |  |
|  |  |

What action, if any, have you taken already to try to resolve your complaint? Who did you speak to and what was the response?

What actions do you feel might resolve the problem at this stage?

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

If it has been more than three months since the incident, please explain the delay in making your complaint.

Signature:

Date:

***For official use only***

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

## Appendix 2: Roles and Responsibilities

### Complainant

The complainant will receive a more effective response to their complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school/Trust in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality

### Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - interviewing staff and children/young people and other people relevant to the complaint
  - consideration of records and other relevant information
  - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The headteacher or complaint panel will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

**Complaints Co-ordinator** (this could be the Headteacher, Trust Governance Professional or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Headteacher, Executive Team and LAs (if appropriate) to ensure the smooth running of the complaints procedure and be aware of issues regarding:
  - sharing third party information
  - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

### Trust Governance Professional

The Trust Governance Professional is the contact point for the complainant and panel and should:

- ensure that all people involved in the complaints procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the panel's decision

### **Panel Chair**

The Panel Chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Trust Governance Professional) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the Panel is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR
- If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the Panel is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Trust Governance Professional (and complaints co-ordinator, if the school has one)

### **Panel Member**

Panel members should be aware that:

- the meeting must be independent and impartial and should be seen to be so (no panel member may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it)
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. We recognise that the complainant may not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations
- many complainants will feel nervous and inhibited in a formal setting. Parents/carers often feel emotional when discussing an issue that affects their child
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

- careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated
  - the Panel should respect the views of the child/young person and give them equal consideration to those of adults
  - if the child/young person is the complainant, the Panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the Panel should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.
- the welfare of the child/young person is paramount