

## Lifelong Learning Trust Complaints policy

This policy was written in August 2015 by members of the Board of Directors. It provides the framework for parents/carers of pupils at schools in the Lifelong Learning Trust who consider they need to make an informal or formal complaint. Its purpose is to assure them that their complaint will be considered seriously and dealt with appropriately. It outlines the system and route for complainants to follow: A route which enables them to make the school aware of their concerns.

### The Principles of the Policy are to:

- Ensure that the processes are accessible, understandable and open to all.
- Encourage informal resolution of problems wherever possible
- Provide a formal system that is impartial and non-adversarial.
- Agree well defined actions and time lines which ensure swift action.
- Ensure a full and fair investigation; using independent people where appropriate.
- Ensure confidentiality; discouraging use of social media
- Address all points of the issue to ensure an effective response

### Resolving Concerns and Complaints

Ideally, arranging a time to discuss issues or incidents with the member of staff concerned at a mutually agreed time should be sufficient to resolve them. A formal complaints procedure should only be necessary if joint informal efforts to resolve the concern or address the complaint have been unsuccessful

- Concerns ought to be handled, if at all possible, without the need for formal procedures.
- Complaints will be dealt with openly, fairly, promptly and without prejudice in accordance with the stages outlined below.

Where the complainant considers that an issue has not been dealt with successfully at an informal stage it is important that the formal process for doing so is clear and transparent to everyone .

**In summary: Anyone who considers that they have a complaint needs to decide whether they need to follow an informal or formal process.**

At each stage in the complaints procedure we will keep in mind the ways in which a concern or 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:

- apology;
- explanation as to why something happens in the way it does;
- admission that the situation could have been handled differently or better;
- 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;
- undertaking to review school policies in light of the complaint.

## Stages of Complaint for Parents/Carers

There are four stages in the academy complaints procedure for parents/carers of pupils at the school. Stages 1 and 2 are informal. Stages 3 and 4 are formal. Complainants who have missed out stages in the procedure will be referred back to the appropriate stage.

<p><b>Stage One Informal concern</b></p>	<p>If parents or carers have concerns about any aspect of their child's education and/or welfare they should first raise these concerns with the relevant member of staff, their immediate manager or a senior manager in an attempt to resolve the issue. This can be done by seeing the member of staff at the end of the school day or by telephoning the school office to make an appointment.</p>
<p><b>Stage Two Informal complaint</b></p>	<p>If not satisfied after Stage 1, parents or carers should write to the Headteacher/Principal who will investigate the complaint and respond in writing within <i>ten (10) school days</i>. If the complaint relates to the Headteacher/Principal, then parents are advised to write to the Chair of the Local Governing Body via the school office using a sealed envelope labelled '<u>Confidential</u>'. Arrangements will be made for the complaint to be investigated and a response given within <i>ten (10) school working days</i>. The Chair may call upon a governor with specific expertise to review or undertake the investigation. Complainants are advised to use the 'Complaint Form' to structure a letter of complaint. A complainant has <i>fifteen (15) school working days</i> to consider the decision before implementing Stage 3. <b>If no response is received within <i>fifteen (15) school working days</i> it will be deemed that the decision is accepted and the case will be closed.</b></p>
<p><b>Stage Three Formal complaint</b></p>	<p>If a complainant is not satisfied after Stage 2, they must write to the Chair of the Local Governing Body(LGB) by completing the 'Complaint Form' and sending it via the school office in a sealed envelope labeled '<u>Confidential</u>'. The Chair of the LGB will convene a Complaints Panel of at least <i>three</i> people who were not directly involved in the matter being complained about. One of these people must be independent of the management and day to day running of the school and one must be a member of the Board of Trustees of Lifelong Learning Trust. The panel will hear the complaint within <i>fifteen (15) school working days</i>. Neither the Headteacher/Principal nor the Chair of the Local Governing Body can be members of the panel as they will already have been involved in handling the complaint. The Complaints panel is the last school/Trust-based stage of the complaints process, and may regulate its own procedure and implement a process at this stage which is appropriate to the complaint being made. Complainants are entitled to attend the panel hearing and can be accompanied. This meeting will be clerked with minutes taken and those concerned will be allowed to bring witnesses if this is appropriate. The panel will send a decision in writing to the complainant within <i>ten school working days</i> of the hearing. A copy of the decision will be forwarded to any persons who are the subject of the complaint as well as to the Headteacher/Principal. The results of the hearing will be final and following ratification of the outcome, the complainant will be advised that the matter is closed as far as the school/Trust is concerned.</p>

<b>Stage four</b>	<p>Complaints about the school failing to comply with this procedure or failing to comply with the obligations in its Funding Agreement with The Secretary of State for Education may be made to the Education Funding Agency (EFA). The EFA will consider complaints that fall into any of the following three categories:</p> <ol style="list-style-type: none"> <li>1. Where there is undue delay or the school does not comply with its own complaints procedure when considering a complaint</li> <li>2. Where the academy is in breach of its funding agreement with the Secretary of State</li> <li>3. Where an academy has failed to comply with any of its legal obligation</li> </ol> <p>The EFA will normally only consider complaints when every stage of the above process has been completed. Further details can be found at <a href="http://www.education.gov.uk/aboutdfe/complaintsprocedure">www.education.gov.uk/aboutdfe/complaintsprocedure</a></p> <p><i>* No meetings will be recorded other than by the clerk taking the minutes</i></p>
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The School reserves the right to treat communications with parents as formal complaints, even though parents/carers do not specifically request this in their initial communication.

### **Investigating Complaints**

At each stage of the investigation process, the person investigating the complaint must ensure that they

- clarify what the complainant feels would resolve the situation;
- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them if they are unsure about details or consider further information to be necessary;
- interview those involved in the matter and/or those complained of; allowing everyone to be accompanied should they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of all interviews and conversations.

### **Complaints Procedure for Non Parents/ Carers**

Those who are not a parents or carers and have concerns about the school should raise these concerns with the Headteacher/Principal by telephoning the school office to make an appointment. If the response is not satisfactory then they are advised to write to the Chair of the Local Governing Body in a sealed envelope with 'Confidential' written on it via the school office then arrangements will be made for the complaint to be investigated. A response will be made within *ten (10) school working days*. The Chair may call upon a governor with specific expertise to review or undertake the investigation. There is no right to appeal at the end of this stage.

### **Vexatious Complaints**

There will be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. This could result in one or more **vexatious complaints**.

- A vexatious complaint might be the repetitive filing of unwarranted or meritless complaints. This can be burdensome and time consuming for the school and could be considered to be an abuse of the complaints system. A single complaint, even a frivolous one, is usually not enough to raise a complainant to the level of being declared vexatious.
- A complainant may try to reopen the same, or substantially the same, complaint which has been judged to be resolved, or the Chair of the local governing body may reasonably believe that the aim of the complainant, in continuing to pursue a resolved case, is to cause stress to the school then this may be considered vexatious. The Chair of the local governing body will inform the complainant in writing that the procedure has been exhausted and that the matter is now closed in accordance with the following procedure.

Filing vexatious complaints is considered an abuse of the school's complaints system and may result in the following actions being taken .

### **Stage 1**

If the communication or complaint from a single person meets this definition of vexatious or persistent complaint then a warning letter will be issued setting out this and expressing a view that, should the behavior continue, the complaint will be deemed vexatious and that the right to access the complaints procedure or communicate with the school will be restricted.

### **Stage 2**

If the behaviour continues, the following restrictions will be put in place:

- email contact will be via a specific address and all communication should be in writing
- meetings will be attended by two members of staff;
- any telephone calls to school will be taken by a specific person

If the letters become threatening then there could be police involvement and action under Protection from Harassment Act 1997, would have to be considered.

### **Publication of Procedure**

This procedure will be made available on the website for each school in the Lifelong Learning Trust and will be made available to anyone who asks for it.

The procedures outlined in this policy will be used for all complaints against the school except in the following areas, where separate policies and procedures exist:

- Child protection allegations
- Exclusions
- Admissions

Details of these policies and procedures can be found on the website for each school in the academy trust.



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

**Signature**

**Date**

**Official Use by School**

**Date acknowledgement sent:**

**By Whom?**

**Complaint referred to:**

**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.