



## Complaints Procedure

Approved by LCT Board – December 2017

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### Introduction

This procedure is intended to allow you to raise a concern or complaint relating to the Learning Community Trust or any of its academies or the services they provide.

The Learning Community Trust and its academies take all concerns seriously. If appropriate, we deal with complaints informally to avoid the necessity of them developing into formal complaints. We encourage people to contact us as soon as possible so that we can try to resolve the issue quickly and effectively so that it does not escalate unnecessarily.

However, any formal complaints will be dealt with through our Complaints Procedure.

The Principles of our Complaints Procedure are:

- We encourage resolution of problems by **informal** means wherever possible;
- Our procedures are easily **accessible** and **publicised**;
- Our procedures are **simple** to understand and use;
- Our procedures are **impartial**;
- We are **non-adversarial** in our approach;
- We deal with complaints within our established **time-limits** and keep people informed of progress;
- We ensure a full and **fair** investigation by an independent person where necessary;
- We respect people's desire for **confidentiality**;
- We address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary;
- We always try to improve what we do and the systems we use

### Investigating complaints

When investigating the complaint the person investigating will make sure that they:

- Establish **what** has happened and **who** has been involved;
- Clarify the nature of the complaint and what remains unresolved;
- Meet with the complainant or contact them (if further information is required);
- Clarify what the complainant feels would put things right;

- Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- Conduct the interview with an open mind and be prepared to persist in an attempt to fully understand the matter;
- Keep notes of the interview or arrange an independent note taker to record the meeting

### **Complaints made by people who are not parents**

The procedure for how the Trust and its academies deal with complaints from people who are not parents of attending pupils follows the same processes. This will also be the case for local MPs.

### **What this procedure does not apply to**

This procedure does not apply to concerns or complaints relating to the following, which are dealt with under separate policies:-

- Staff Grievance or Disciplinary procedures
- Admissions
- Exclusions
- Issues related to Child Protection
- Education Health care Plans

### **Staff Training**

The Trust will ensure that all staff involved in the handling of complaints will be suitably trained to do so. There will be an annual review of training needs and CPD will be provided.

### **Interviewing pupils and students**

Pupil and students will normally be interviewed with their parent present, but if this would seriously delay the investigation of a serious or urgent complaint or if the pupil/student has specifically said s/he would prefer their parents were not involved, another member of staff with whom the pupil/student feels comfortable should be present.

### **Record Keeping**

The Complaints Procedure will follow a written record keeping process for all formal complaints. This will include:

- The stage at which they were resolved and whether it was necessary to escalate to a higher stage.
- What action was taken by the Trust or academy as a result of the complaint.
- Whether or not the complaint was upheld, in full or in part.

### **Resolving Complaints**

We will always want to resolve a complaint and we may offer one or more of the following:

- An apology
- An explanation
- An admission that the situation could have been handled differently or better
- An explanation of the steps we will take to ensure it does not happen again
- An undertaking that we will review relevant policies and procedures as a result of the complaint

### **Behaviour of complainants**

There is an expectation that all parties involved in the complaints process model professional behaviour. The Trust will not accept the following:

- Swearing
- Personal comments not linked to the complaint
- Aggressive behaviour

If any of the above behaviours are evident the lead for the relevant stage may decide to end the investigation meeting.

### **Understanding this procedure**

In order to investigate your complaint as fully as possible, we have implemented a staged approach. We anticipate that almost all complaints that arise will be resolved at Stage 1 or Stage 2 below.

We expect our members of staff to be addressed in a respectful manner and for communication to remain appropriate at all times.

To enable a proper investigation, concerns or complaints should be brought to the attention of the Learning Community Trust (for LCT MAT complaints) or to the individual academy, as soon as possible. In general, any matter raised more than 3 months after the event being complained of will not be considered. However, the Trust may make exceptions to this.

If, at any stage, the Trust or the academy believes that the concern or complaint is vexatious, has insufficient grounds, has already been considered in full or has been closed, the LCT CEO, Principal/Headteacher or Chair of Governors/Chair of The Trust (as appropriate) may write to you to refuse to consider the concern or complaint under this procedure and the reasons why they are refusing to do so. In this eventuality, the individual with the concern or complaint may proceed directly to the Education and Schools Funding Agency.

An anonymous concern or complaint will not be investigated under this procedure unless there are exceptional circumstances.

If it becomes necessary to alter the time limits and deadlines set out within this procedure, you will be advised accordingly and given an explanation as to why this has been the case and provided with revised timescales.

A written record will be kept of all complaints, including at what stage they were resolved. Correspondence, statements and records relating to individual complaints will be kept

confidential except where access is requested by the Secretary of State or where disclosure is required in the course of an academy inspection or under other legal authority.

In this procedure:

“Working days” excludes weekends, bank holidays and academy holidays

“Parent” means a parent, carer or anyone with legal responsibility for a child

### **The stages of the complaint**

The Learning Community Trust operates a staged complaints procedure as it is in everyone’s interest to resolve a complaint at the earliest stage.

If the complaint is about the CEO of LCT then your complaint should be sent to the Chair of the Learning Community Trust via the Company Secretary.

The PA to the Principal/Headteacher in each academy will co-ordinate any complaints and will follow the stages outlined below.

#### **Stage 1 (informal): complaint dealt with by staff member – usually within 2 working days and by telephone or informal meeting**

At this stage the issue or complaint can be dealt with by a member of staff such as a Pastoral Manager, class teacher or subject teacher or their line manager e.g. team leader or subject leader.

If the complainant indicates that he/she would have difficulty discussing the complaint with a particular member of staff, then the complaint may be dealt with by an Assistant Head Teacher or Deputy Head Teacher at this stage.

Where the complaint concerns one of the Principals or Headteachers then the complainant will be referred to the Chair of Governors.

Similarly, if the member of staff directly involved feels uncomfortable dealing with a complaint, then the complaint will be referred to another staff member. The member of staff may be more senior but does not have to be.

Where the first approach is made to a governor, the next step would be for the governor to refer the complainant to the PA to the Principal or Headteacher who will advise them about the procedure. Governors are not involved in the early stages of a complaint as they may be required to sit on a panel at a later stage of the procedure.

#### **Stage 2 (formal): complaint heard by relevant Principal or Headteacher, usually within 10 working days but often sooner**

If, at this stage, the complainant is dissatisfied with the way the complaint was handled at Stage 1, the Head/Principal may delegate the task of investigating the matter to another staff member; this does not include the decision on the action to be taken. The Head/Principal will make contact, in the first instance, with the complainant, to acknowledge receipt of the complaint and arrange a meeting to discuss the issues.

### **Stage 3 (formal): complaint heard by Chair of Governors usually within 15 days**

If the complainant is not satisfied with the response of the Head/Principal or the complaint is about the Principal or Headteacher the complainant should write to the Chair of Governors, of the relevant academy, to request that their complaint is considered further by the governing body.

### **Stage 4 (formal): complaint heard by Governing Body's Complaints Appeal Panel usually within 15 working days**

The complainant should write to the Clerk to the Governing Body giving details of the complaint and asking that it is put before the appeal panel.

The Chair, or if the Chair has been involved at any previous stage in the process, a nominated governor, will convene the Governing Body complaints panel.

The panel will consist of at least 3 people who were not directly involved in the matters detailed in the complaint.

The complainant is allowed to attend the panel hearing and be accompanied if he/she wishes and will be given 7 days' notice of panel date.

The panel will make findings and recommendations. This written outcome must be provided to the complainant and, where relevant, the person complained about. Recommendations must also be available for inspection by the Trust and relevant Headteacher/Principal.

The governors' appeal hearing is the last school-based stage of the complaints process.

### **Stage 5 (formal): complaint heard by the Chair of the Learning Community Trust Board usually within 20 working days**

The complainant may wish to raise their complaint with the Learning Community Trust. If this is the case the complainant should write to the Company Secretary, LCT, Hadley Learning Community, Crescent Road, Hadley, Telford TF1 5NU.

If, the Chair deems it necessary the Trust will appoint a Review Panel.

The panel will consist of at least 3 people who were not directly involved in the matters detailed in the complaint.

The complainant is allowed to attend the panel hearing and be accompanied if he/she wishes and will be given 7 days' notice of panel date.

### **Further appeals**

The final stage of appeal is to the Education Funding Agency. Complainants should write to The EFA Complaints, Central Intervention Team, Education and Schools Funding Agency, Earlsdon Park, 53-55 Butts Road, Coventry, CV1 3BH.

### **Dealing with persistent or serial complaints**

The Trust, in line with DFE guidance, states that the Trust or any of its academies need not respond if a complainant raises again an issue that has already been taken through the Complaints Procedure.

### **Monitoring of complaints**

The Trust will monitor the level and nature of complaints, in order to help them identify patterns that could point to a wider problem.

Complaints information shared with the Trust Board or Local Governing Body should not contain names of individuals in case an appeal panel needs to be constituted.

### **Procedure for an Appeal Panel Hearing**

Unless otherwise stated, the procedure for an appeal is as follows:-

1. The complainant and CEO/Principal/Headteacher will enter the hearing together
2. The Chair of the Review Panel will introduce the panel members and outline the process
3. The complainant will explain the complaint
4. The CEO/Principal/Headteacher and committee members will question the complainant
5. The CEO/Principal/Headteacher will explain the Trust/academy's actions
6. The complainant and the committee members will question the CEO/Principal/Headteacher
7. The complainant will sum up their complaint
8. The Executive Principal/Headteacher will sum up the Trust/academy's actions
9. The Chair of the panel will explain that both parties will hear from the committee within 5 school days
10. Both parties will leave together while the panel decides
11. The Clerk will stay to assist the panel with its decision making after the hearing, the Panel; will consider their decision and inform you and the CEO/Principal/Headteacher of their decision in writing within 5 school days. The letter will set out the decision of the committee together with the reasons underpinning that decision.

The Panel can:-

1. Request further information from you and/or the academy to assist them in making their decision
2. Dismiss the complaint in whole or in part
3. Uphold the complaint in whole or in part
4. Decide on the appropriate action to be taken to resolve the complaint
5. Recommend changes to the academy's systems or procedures to ensure that problems of a similar nature do not reoccur.

