



LYDIATE
LEARNING
TRUST

Complaints Policy (LLT)



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ENGAGE, ENABLE,
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INTRODUCTION

This complaints policy covers all of the school operation within Lydiate Learning Trust (LTT) and each individual school will follow this policy.

WHO CAN MAKE A COMPLAINT?

This complaints procedure is not limited to parents or carers of children that are registered at the schools. Any person, including members of the public, may make a complaint to the individual school 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 or admissions), we will use this complaints procedure.

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

- exclusions;
- admissions;
- appeals relating to internal assessment decisions for external qualifications;
- complaints about statements of SEN/EHC Plans;
- grievances or disciplinary issues relating to members of staff; or
- issues related to child protection.

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*'.

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. LLT Schools take concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, LLT Schools will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

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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 on a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with the relevant person in the first instance e.g. Subject Teacher, Head of Year. 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. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.

Complaints against school staff (except the Headteacher or CEO/Executive Headteacher) should be made in the first instance to the Headteacher.

Complaints that involve or are about the Headteacher should be addressed to the Chair of Governors, via the school office. Please mark as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the Governing Body via the school office. Please mark them as Private and Confidential.

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 Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

TIME SCALES

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

COMPLAINTS RECEIVED OUTSIDE OF TERM TIME

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

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SCOPE OF THIS COMPLAINTS PROCEDURE

If other bodies are investigating aspects of the complaint, for example the police, safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within.

If a complainant commences legal action against LLT Schools 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, LLT Schools want 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 of will not re-occur
- 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 wants to withdraw their complaint, we will ask them to confirm this in writing.

STAGE 1 – INFORMAL RESOLUTION

Generally, it is expected that where the matter relates to a student it will have been raised with the head of year before a request is made to deal with it under this policy. The Academy will seek to resolve matters at the informal stage within **15** school days of the issue being raised by the Complainant.

Where the matter is not resolved at the informal stage, the Complainant may elevate it to the formal stage as set out below.

STAGE 2 – FORMAL RESOLUTION AT LOCAL LEVEL: INVESTIGATION BY A NOMINATED INDIVIDUAL

1. The Complainant must put the complaint in writing, addressed to the [Headteacher/Head of School] of the Academy, setting out briefly the facts and stating what it is that the Complainant considers should have been done or where the Academy has not met reasonable expectations.
2. An investigation will be carried out by a nominated individual identified by the [Headteacher/Head of School] as appropriate, who may offer the Complainant a meeting. The

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investigator will speak to others involved. Whenever reasonably possible, any meeting with the Complainant will take place within **15** school days of the written complaint being received.

3. The investigator will put her/his findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within **15** school days of any meeting with the Complainant; if no meeting is arranged it will be within **25** school days of the written complaint being received.

Where the Complainant remains dissatisfied he or she may request the complaint is dealt with **at Stage 3**. Any such request must be set out in writing, stating where the Complainant remains dissatisfied and lodged within **10** school days of the Complainant receiving the findings in writing.

Any complaint relating to the [Headteacher/Head of School] of the Academy must be raised in the first instance with the Chair of Governors who will, if an informal resolution cannot be reached, designate a member of the Local Governing Body to investigate the complaint as per Stage 3. Stage 2 does not apply to a complaint against the [Headteacher/Head of School].

For complaints against members of the Local Governing Body, Board of Trustees or the Chief Executive Officer please note the process to follow set out at the end of this policy.

STAGE 3 – FORMAL RESOLUTION: LOCAL GOVERNING BODY

1. The Complainant must put the complaint in writing, addressed to the Chair of the Local Governing Body of the Academy, setting out briefly the facts and stating what it is that the Complainant considers should have been done or where the Academy has not met reasonable expectations.
2. The Chair of the Local Governing Body may appoint a member of the Local Governing Body of the Academy to investigate the complaint. The investigation may include the offer of a meeting with the Complainant. Whenever reasonably possible, any meeting with the Complainant will take place within **15** school days of the written complaint being received.
3. The investigator will put her/his findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within **15** school days of any meeting with the Complainant; if no meeting is arranged it will be within **25** school days of the written complaint being received.

Where the Complainant remains dissatisfied he/she may request the complaint is dealt with **at Stage 4**. Any such request **must** be set out in writing, stating where the Complainant remains dissatisfied, what remedies are being sought and be lodged within **10** school days of the Complainant receiving the findings in writing. The request must be addressed to the Clerk.

STAGE 4 – FORMAL RESOLUTION: COMPLAINTS PANEL MEETING

1. The Complaints Panel will consider all complaints at **Stage 4**.
2. The Complaints Panel must comprise at least three people, which will include one person who is independent of the management and running of the Academy Trust and any of its Academies.

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3. The Complaints Panel may also include one or more persons from the following categories:
 - (i) A member of the Local Governing Body of the Academy where the complaint emanated from;
 - (ii) A member of a Local Governing Body from another Academy within the Academy Trust;
 - (iii) A member of the Board of Trustees from the Academy Trust.
4. None of the members of the Complaints Panel will have been directly involved in the matters detailed in the complaint.
5. The Clerk will invite the Academy to put in writing its response to the Complainant's reasons. The Academy will provide this within **15** school days of receiving the request. At the end of that period (whether or not the Academy has responded) the Clerk will convene a meeting of the Complaints Panel. That meeting will be held on Academy premises as quickly as practicable given the need to find a date that is reasonably convenient for the Complainant, the Academy and the members of the Complaints Panel. Whenever possible, the meeting will be held within **15** school days of the end of the Academy's response time.
6. The meeting is not a court case, it will be held in private, and will be as informal as circumstances allow. For this reason, electronic recordings of meetings or conversations are not permitted unless a Complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before the recording of the meeting takes place. Consent will be recorded in any minutes taken. The Complainant will have the opportunity to put her/his reasons for dissatisfaction and to enlarge on them but may not introduce reasons that were not previously put in writing. The Complaints 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 Academy will have the opportunity to put its side of things and each side, as well as the Complaints Panel members, will be able to ask questions. The Complainant will have the opportunity to make final comments to the Complaints Panel.
7. The Complaints Panel may make findings and recommendations and a copy of those findings and recommendations will be:
 - (i) sent by electronic mail or otherwise given to the Complainant and, where relevant, the person complained about; and
 - (ii) available for inspection on the Academy premises by the Academy Trust, the [Headteacher/Head of School] and the Chief Executive Officer.
8. The Complaints Panel will formulate its response as quickly as reasonably possible, aiming to do so within **10** school days, and the Clerk will notify all concerned.
9. At any meeting, the Complainant will be entitled to bring a companion along to provide support. Legal representation will only be permitted in exceptional circumstances.
10. The Complaints Panel will proceed *irrespective of whether or not* the Complainant and/or their companion attend. If the Complainant fails to attend on the day without compelling reasons, the Complaints Panel will *still proceed in their absence and the process will continue to its conclusion*. Any further attempt to re-open the matter will be considered as falling under the "Serial or persistent complainants" section as set out below.

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SERIAL OR PERSISTENT COMPLAINANTS

If at any level a Complainant attempts to reopen an issue or a closely related issue that has already been dealt with under this complaints procedure, the Chair of Trustees may write to the Complainant to inform him/her that the procedure has been exhausted and the matter closed, that continued correspondence on the same matter is vexatious and that the Academy/Academy Trust will not respond to any further correspondence on this issue or a closely related issue.

COMPLAINTS AGAINST THE LOCAL GOVERNING BODY/ BOARD OF TRUSTEES / CHIEF EXECUTIVE OFFICER

Where a complaint is brought against a member of the Local Governing Body, the Chair of the Local Governing Body will investigate the complaint (or appoint another member of the Local Governing Body to do so) in the same way as in the first stage of the formal process at **Stage 3**. **Stage 2** does not apply.

If the complaint is against the Chair of the Local Governing Body, then the Vice Chair of the Local Governing Body will investigate the complaint (or appoint another member of the Local Governing Body to do so) in the same way as in the first stage of the formal process at **Stage 3**. **Stage 2** does not apply.

In exceptional circumstances the Chair of Trustees may at his or her absolute discretion determine that a complaint against a member of the Local Governing Body should be dealt with at Trust Board level and if so determined the Chair of Trustees will oversee **Stage 3**.

If the complaint is against a Trustee, then the Chair of Trustees, (or in the case of a complaint against the Chair the Vice Chair) will investigate the complaint (or appoint another member of the Board of Trustees to do so) in the same way as in the first stage of the formal process at **Stage 3**. **Stage 2** does not apply.

If the complaint is against the Chief Executive Officer, then the Chair of Trustees will investigate the complaint (or appoint another member of the Board of Trustees to do so) in the same way as the first stage of the formal process at **Stage 3**. **Stage 2** does not apply.

RECORD KEEPING

A written record will be kept of all complaints that were resolved at the formal stage of the complaints procedure. Records will contain details of whether the complaint was resolved at Stage 2, Stage 3 or whether it proceeded to a Stage 4 Complaints Panel Meeting. The action taken by the Academy or the Academy Trust as a result of a complaint (regardless of whether it is upheld) will also be recorded.

CONFIDENTIALITY

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 Education and Skills Act 2008 requests access to them.

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EDUCATION AND SKILLS FUNDING AGENCY (ESFA)

Once the complaints process is concluded (or a complaint has been terminated due to undue delay or failure to lodge a request for a Stage 4 Complaints Panel Meeting within the time stated in the policy) the matter is closed. If the Complainant is still not satisfied then they may contact the ESFA. There is an online procedure at:

<https://form.education.gov.uk>

or the Complainant may write to the ESFA at:

Complaints Team
Education and Skills Funding Agency
Cheylesmore House
Quinton Road
Coventry
CV1 2WT

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COMPLAINT FORM

Please complete and return to the school who will acknowledge receipt and explain what action will be taken.

Your name:
Student's name (if relevant):
Your relationship to the Student (if relevant):
Address:
Postcode:
Day time telephone number:
Evening telephone number:
Please give details of your complaint, including whether you have spoken to anybody at the school about it.

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

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

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

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ROLES AND RESPONSIBILITIES

Complainant

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

- explain the complaint in full as early as possible
- co-operate with the school 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
- produce a comprehensive and detailed report.

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Complaints Co-ordinator (this could be the Headteacher/Senior Clerk to Governors/designated complaints governor 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, Chair of Governors, Clerk to ensure the smooth running of the complaints procedure
- 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.

Senior Clerk to the Governing Body

The Senior Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint 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 committee's decision.

Committee Chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

both parties are asked (via the Clerk) 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 committee is explained to the complainant

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- 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 committee 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 Clerk (and complaints co-ordinator, if the school has one).

Committee Members

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so

No governor may sit on the committee 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 might 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 committee 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 committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's

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parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.

- the welfare of the child/young person is paramount.

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