



**The  
Legacy  
Learning  
Trust**

# Complaints Policy and Procedure

	<b>Term</b>	<b>Year</b>
Last Review Date/Policy Adopted	Spring Term	2022-2023
Next Review Date	Spring Term	2023-2024
Lead	Mrs S Lymer	

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## **The Legacy Learning Trust**

### **Complaints Procedure**

The Legacy Learning Trust is committed to ensuring that all learners are provided with a first class educational experience and that each School works in a productive and positive partnership with all parents and carers.

However, if a parent/carer feels that a situation has arisen that they are unhappy about then they have a right to make a complaint. Any and every complaint made will be taken seriously and dealt with swiftly and professionally. All parents/carers will be made aware of this policy and the procedures to follow if they wish to make a complaint.

#### **1. Principles**

The relevant school will try to resolve problems informally wherever possible. An effective response and appropriate redress will be provided to all complaints as quickly as possible, dependent upon the complexity of the issues raised.

NB. This policy relates to complaints about the educational administration of an academy and typically applies to complaints made by parents and carers of learners. It does not relate to matters which are governed by employment legislation of those where the principles of civil contract law would normally apply e.g. service/supply contracts entered into with a School.

#### **2. Statutory obligations**

- Complainants must be aware that there is a complaints procedure and copies of this policy will be available upon request.
- If the process results in an appeal to the school's Local Council (see below), this procedure is statutory.

#### **3. Dealing with complaints**

- a. At each stage, the person investigating the complaint will ensure that they:
  - Clarify the nature of the complaint and unresolved issues
  - 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
  - Keep appropriate notes of any interview(s) held.
- b. At each stage, the person investigating the complaint will seek ways to resolve the complaint satisfactorily. It may be appropriate to offer one or more of the following:
  - An acknowledgement that the complaint is valid in whole or in part and/or acknowledgement that the situation could have been handled differently or better, this is not the same as an admission of negligence).
  - An apology
  - An explanation
  - An assurance and an explanation of the steps that have been taken to ensure that it will not happen again

- An undertaking to review School or Trust procedures in light of the complaint.

#### **4. Records**

All records will be recorded by the school, including informal complaints. The Headteacher is responsible for ensuring that staff record all complaints and their outcome.

- Records relating to individual complaints are confidential, except where the secretary of state or statutory body conducting an inspection requests access to them.
- The School's Local Council will monitor the level and the subject matter of complaints and review the outcomes on a regular basis through the mechanism of performance and data reporting.
- In line with GDPR the school will retain records relating to complaints for a period of six years.

#### **Audio or video evidence**

Complainants should make sure they obtain informed consent from all parties before recording conversations or meetings.

The DfE do not normally accept electronic recordings as evidence when asked to consider a complaint. However, they may accept independently notarised transcriptions of recordings. They may also ask for written consent of all recorded parties.

Unless exceptional circumstances apply, the DfE will support schools who refuse to accept, as evidence, recordings of conversations that were obtained covertly and without informed consent of all parties being recorded.

#### **TLLT Schools**

The officer with responsibility for ensuring that this policy is implemented in TLLT Schools is the Chief Executive Officer at TLLT. Complainants should be aware that Headteachers may refer complaints to the Chief Executive Officer at TLLT because they consider the matter is one of such a nature that it should be investigated independently of the school. Likewise, complaints may be received and dealt with by TLLT for the same reason. Where a complaint is made direct to TLLT, it will be logged by the Chief Executive Officer and forwarded to the School, unless it is received as stated above.

#### **5. Complaints Procedure**

This policy applies to all employees of the Trust (permanent, fixed term and casual).

##### **Dealing with Complaints – Initial Concerns**

It is important to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into informal complaints.

The policy which follows deals with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without need not in any way undermine efforts to resolve the concern informally. In most cases, the class teacher or the individual delivering the service in the case of extended School provision, will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

##### **Dealing with Complaints about SEND Provision**

Any concern or complaints about SEND provision by parents or carers should be initially raised informally, whether by email, letter or telephone call with the school's SENCo. The SENCo will investigate and report back within a week.

If the parents/carers continue to be dissatisfied, a complaint should be raised as per the formal procedure within this complaints procedure by completing the Appendix 1.

## **Dealing with Complaints – Formal Procedures**

Our Complaints Procedure:

- encourages resolution of problems by informal means wherever possible
- is easily accessible and publicised
- is simple to understand and use
- is impartial
- is non-adversarial
- allows swift handling within agreed time-limits for action and keeping people informed of progress • ensures a full and fair investigation
- respect people's desire for confidentiality
- addresses all the points at issue and provide an effective response and appropriate redress, where necessary
- provides information to the school's Senior Leadership Team so that services can be improved.

## **Investigating Complaints**

At each stage, the person investigating the complaint makes sure that they

- establish what has happened so far and who has been involved
- clarifies the nature of the complaint and what remains unresolved
- meets with the complainant or contacts them (if unsure or further information is necessary)
- clarifies what the complainant feels would put things right
- interviews those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- conducts the interview with an open mind and is prepared to persist in the questioning;
- keeps notes of the interview
- interviews should be recorded using the template at Appendix 3 and signed and dated by the individual as soon as they have been typed up.

## **Resolving complaints**

At each stage in the procedure, the School will keep in mind ways in which a 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:

- an apology
- an explanation
- an admission that the situation could have been handled differently or better;
- an assurance that the event complaint of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review School policies in light of the complaint.

It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the School could have handled the situation better is not the same as an admission of negligence.

## **Withdrawing a Complaint**

If a complainant wishes to withdraw their complaint, they will be asked to confirm this in writing.

## **Further Recourse**

**The Academy Council appeal hearing is the last school-based stage of the school complaints process.**

If the complainant believes the school has not handled the complaint in accordance with the published complaints procedure or have acted unlawfully or unreasonably in the exercise of their duties under education law, they can after completing all stages of the schools complaints procedure contact the School Complaints unit (SCU). Department of Education, Piccadilly Gate, Store Street, Manchester, M1 2WD. Making a complaint to the DfE should only happen once other routes have been followed. The exception to this may be where there is a child protection concern, or where a child is missing education.

## **Complaints about free schools and academies**

The department's executive agency, the Education Skills Funding Agency (ESFA), will handle complaints about academies and free schools. You can find more information about this on the ESFA's role in complaints and what to do on the ESFA website (<https://www.gov.uk/government/publications/complainabout-an-academy>)

## **Complaining to Ofsted**

Ofsted has powers to investigate certain types of complaint from parents to help them to decide whether to inspect a school. Before complaining to the Secretary of State, ESFA or Ofsted, it is expected that all stages of this procedure have been exhausted.

## **Anonymous Complaints**

These will not normally be investigated. However, the Headteacher or Chair of the Local Council, if appropriate, will determine whether the complaint warrants an investigation.

## **Complaint Campaigns**

Where the school is the focus of a campaign and receive a large volume of complaints; all based from the same subject or, from complainants unconnected with the school. The school may choose to respond by sending a template response to all complainants or publish a single response on the school's website.

## **Unreasonably Persistent Complaints**

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures being followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of governors is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

## **Vexatious Complaints**

This procedure should limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having being followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the School's Local Council (Local Governing Body) or CEO is able, under this policy, to inform them in writing that the procedure has been exhausted and that the matter is now closed.

## **Time Scales**

Complaints must be raised 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**

Complaints received outside of term time will be considered on the first school day after the holiday period.

## **Time-Limits**

Complaints need to be considered and resolved as quickly and effectively as possible using time limits published in this policy. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

The School will publicise the complaints policy and procedure on:

- the school website

## **The Legacy Learning Trust Complaints Procedure**

### **Stage One: Complaint Heard by Staff Member**

1. It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the School can be crucial in determining whether the complaint will escalate. To that end, staff will be periodically made aware of the procedures so that they know what to do when they receive a complaint.
2. Parents should never feel or be made to feel that a complaint made in a reasonable and appropriate way will be taken amiss or will reflect adversely on the student or his/her opportunities at the School. The School will try to investigate and try to resolve every complaint in a positive manner and will treat every complaint as an opportunity to improve our service.
3. The School will try to respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the matter will be referred to a Deputy Headteacher or to the Headteacher who may, if they feel it is appropriate, refer the complainant to another member of staff. Alternatively, they may not feel this is necessary. Where the complaint concerns the Headteacher, the complainant can be referred to the Executive Headteacher or Chief Executive.
4. Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, a Deputy Headteacher or Headteacher may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.
5. Where the first approach is made to a member of the local Council/Trustee, the next step would be to refer the complainant to the appropriate line manager. Members of the Local Council/Trustee, should not act unilaterally on an individual complaint outside the formal procedure, or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.
6. The Line Manager will ensure that a written or oral acknowledgement is provided to the complainant within

5 working days of receiving a complaint. The acknowledgement will give a brief explanation of the School's complaints procedure and will give a target date for providing a response to the complaint which should normally be within 10 working days explaining the reason for delay and providing a revised target date.

7. The Line Manager will seek to meet or speak with all of the appropriate people in order to establish the facts relating to the complaint, if the information given on the complaints form necessitates this. This may include the complainant, staff and any other person.

8. Once all of the facts have been established, the Line Manager will then produce a written response to the complainant, or may wish to meet the complainant to discuss/resolve the matter directly.

9. A written response should contain an outline of the complaint and a summary of the response to the complaint, including the decision reached and the reasons for it. Where appropriate, this should also include what response the School will take to resolve the complaint. This may be by way of a general description e.g. 'Action taken within the Complaints Procedure'.

10. When the investigation has been concluded the complainant and the member of staff concerned will be informed, in writing, of the outcome. This may be to the effect that:

- there is insufficient evidence to reach a conclusion, so the complaint cannot be upheld;
- the concern was not substantiated by the evidence;
- the concern was substantiated in part or in full. Some details may then be given of the action the School may be taking to review procedures etc but details of the investigation or of any disciplinary procedures will not be released;
- the matter has been fully investigated and that appropriate procedures are being followed which may be strictly confidential (e.g. where staff disciplinary procedures are being followed).

11. This letter or report must be endorsed by the Headteacher. It should also inform the complainant that should he/she wish the complaint to progress to the second stage of this procedure, then he/she should send a written request stating this to the Headteacher within 10 working days of receiving the response.

12. If no further communication is received from the complainant within 10 working days, it is deemed that the complaint has been resolved and should end.

## **Stage Two: Complaint Heard by Headteacher**

13. If the complainant is dissatisfied with the way the complaint was handled at Stage one, they may go to Stage two and have the Headteacher hear the complaint. The Headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken. If the complaint is about the Headteacher then at Stage two the complaint will be heard by either the Chief Executive or the Chair of the Local Council.

14. The same timings as in Stage one will apply.

## **Stage Three: Complaint Heard by Trust Board Complaints Appeal Panel**

15. The complainant needs to write to the CEO, as directed by the Headteacher, giving details of the complaint.

16. The CEO (or delegated Officer) should write to the complainant acknowledging receipt of the written request for the complaint to be heard. This acknowledgement must be sent within 5 working days and should inform the complainant of the arrangements for hearing the complaint within 20 working days of receiving it. The letter should explain that the complainant has the right to submit any further documents



relevant to the complaint. These must be received within 5 working days of the date of the hearing to allow adequate time for the documents to be circulated.

17. No person involved should have previous involvement in the complaint.
18. The School's Local Council appeal hearing is the last School based stage of the complaints process and is not convened to merely rubber-stamp previous decisions.
19. Individual complaints would not be heard by the whole Local Council at any stage, as this could compromise the impartiality of any hearing set up for disciplinary purposes against a member of staff following a serious complaint.
20. The School's Local Council may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These include:
  - drawing up its procedures;
  - hearing individual appeals;
  - making recommendation on policy as a result of complaints.
21. The Chair will typically chair the Complaints Panel, but in their absence, the panel can be drawn from the nominated members and may consist of three or five members of the Local Council. In this case, the panel may choose their own Chair. One member of the panel will be independent of the management and running of the academy.
22. If the complaint is about the Headteacher/Executive Headteacher, a hearing by the CEO or Chair of the Local Council or Chair of the Trust Board becomes Stage Two. If the complainant is unhappy he/she needs to write to the Chief Executive Officer whereupon a panel of three to give trustees (not previously involved and one of whom is independent of the running and management of the academy) will hear the complaint. Their decision will be final.

### **The remit of the Complaints Appeal Panel**

23. The panel can:
  - dismiss the complaint in whole or in part;
  - uphold the complaint in whole or in part;
  - decide on the appropriate action to be taken to resolve the complaint;
  - recommend changes to the School's system or procedures to ensure that problems of a similar nature do not reoccur.
24. There are several points which any trustee sitting on a complaints panel needs to remember:
  - a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No member of the Local Council or trustee may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
  - b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the School and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
  - c. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel Chair will ensure that the proceedings are as welcoming as possible.

25. The School will write and inform the complainant and any witnesses, the panel etc of the date and location of the meeting, 5 working days in advance. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/interpreter. The letter should explain how the meeting will be conducted and the complainant's right to submit further written evidence to the panel. The Headteacher has the right to bring representation if so desired.

26. Intervention of parallel investigation relevant to the complaint by the Police or social services may cause variation to these time scales. Any such variation will be notified to the complainant.

### **Hearing the Complaint at the Meeting**

The aim of the meeting will be to resolve the complaint and achieve reconciliation between the School and the complainant.

In the interest of the natural justice, the introduction of previously undisclosed evidence or witnesses would be reason to adjourn the meeting so that the other side has time to consider and respond to the new evidence.

The recommended conduct of the meeting is as follows:

- a. The Chair of the panel will welcome the complainant, introduce the panel members and explain the procedure.
- b. The Chair of the panel will invite the complainant to explain the complaint.
- c. The Panel members may question the complainant about the complaint and the reasons why it has been made.
- d. The Headteacher will be invited by the Chair of the panel to question the complainant about the complaint and why it has been made.
- e. The Chair of the panel will invite the Headteacher to make a statement in response to the complaint. At the discretion of the Chair of the panel, the Headteacher may invite the members of staff directly involved in the complaint to supplement his/her response.
- f. The Panel members may question the Headteacher and/or members of staff about the response to the complaint.
- g. The Chair of the panel will allow the complainant to question the Headteacher and/or members of staff about the response to the complaint.
- h. Any party has the right to call witnesses, subject to the approval of the Chair of the Panel.
- i. The Panel, the Headteacher and the complainant have the right to question any such witness.
- j. The Headteacher will be invited by the Chair of the panel to make a final statement.
- k. The complainant will be invited by the Chair of the panel to make a final statement.

l. The Chair of the panel will explain to the complainant and the Headteacher that the decision of the panel will now be considered and a written decision will be sent to both parties within 15 working days. The Chair of the panel will then ask all parties to leave, except for members of the Panel.

m. The Committee will then consider the complaint and all the evidence presented and;

i. Reach a decision on the complaint and the reasons for it.

ii. Decide upon the appropriate action to be taken to resolve the complaint.

n. The members of the Local Council/trustees sitting on the panel need to be aware of the complaints procedure before the meeting.

If the complainant remains unsatisfied, they may take their complaint to the Education and Skills Funding Agency (ESFA).

## **Roles and Responsibilities**

### **The Role of the Chief Executive Officer**

The person in charge of coordinating the complaints procedure at the school is the Headteacher. Overall responsibility is retained by TLLT through the Chief Executive Officer. The role of members of the Local Council/trustees arises only in respect of appeals where the complainant remains dissatisfied with attempts to resolve the issue of a complaint and as set out above.

The Chief Executive Officer is the contact point for the complainant and is required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible
- collate any written material and send it to the parties in advance of the hearing
- meeting and welcome the parties as they arrive at the hearing
- record the proceedings (clerk will undertake)
- notify all parties of the panel's decision.

The Chief Executive Officer may delegate elements of this role to relevant officers, but retains the responsibility of ensuring that all of the above is completed in line with this policy.

### **The Role of the Chair of the Panel**

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption
- the issues are addressed
- key findings of fact are made
- parents and others who may not be used to speaking at such a hearing are put at ease
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy
- the panel is open minded and acting independently
- no member of the panel has any involvement in an earlier stage of the procedure • each side is given the opportunity to state their case and ask questions
- written material is seen by all parties.

## **Checklist for a Panel Hearing**

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence. Learners may not appear as witnesses, but they may provide statements.
- After introductions, the complainant is invited to explain their complaints and be followed by their witnesses.
- The Headteacher may question both the complainant and the witnesses after each has spoken.
- The Headteacher is then invited to explain the School's actions and be followed by the School's witnesses.
- The complainant may question both the Headteacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Headteacher is then invited to sum up the School's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The Chair explains that both parties will hear from the panel within a set time scale.

## APPENDIX 1

### Complaint Form

Please complete and return to \_\_\_\_\_ (Headteacher) who will acknowledge receipt and explain what action will be taken.

Your Name:
Student's Name:
Your relationship to the Student:
Address:          Postcode:   Daytime telephone number: Evening telephone number:

Please give details of your complaint:

What action, if any, have you already taken 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 paperwork? If so, please give details.

Signature:

Date:

OFFICIAL USE

Date acknowledgement sent:

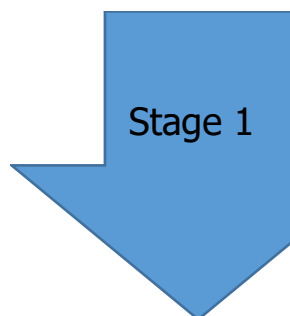
By who:

Complaint referred to:

Date:

APPENDIX 2

#### Complaints Procedure Flowchart



- Complaint form completed and sent to the School.
- Within 5 working days the School will acknowledge the complaint.
- Within 10 working days the School will investigate and respond in writing.



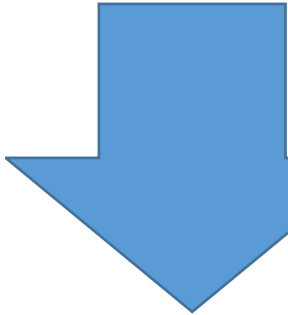
## Stage 2

- Complainant writes to the Headteacher if they remain unhappy.
- Within 5 working days the Headteacher will acknowledge the complaint.
- Within 10 working days the Headteacher will investigate and respond in writing.



## Stage 3

- Complainant write to the Executive Headteacher or CEO if they remain unhappy.
- Within 5 working days the complainant will be acknowledged .
- Within 15 working days the date and time of a hearing will be notified to the complainant.
- Within 20 days the member of Local Council/trustees Appeal Hearing will be held.

- 
- The complainant may refer their complaint to the Education and Skills Funding Agency if they remain unhappy.

## APPENDIX 3

### Investigation Interview Template (for use in Complaints Procedure)

**Date of Interview:**

**Present** (*give name and job title*)

*Insert content of interview, ensuring to record both the question asked and the answer provided.*

I (insert name), confirm that these notes are an accurate record of the interview held on (insert date).

**Signed:**

**Dated:**