

# COMPLAINTS POLICY

Learning Academies Trust

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**LEARNING**  
ACADEMIES TRUST

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## CHANGES

| Policy date | Summary of change            | Author                              | Version | Review date |
|-------------|------------------------------|-------------------------------------|---------|-------------|
| 22/03/2023  | Policy reviewed and updated. | Amy Bosworth<br>HR Business Partner | 2.0     | 16/03/2024  |

This policy will be used across each school within the Learning Academies Trust for all complaints from parents/guardians or other parties. A copy of the Complaints Policy will be available from each school office and on the school website. The expression ‘Headteacher’ in the text below can refer to the Headteacher or the Executive Headteacher of the respective school in the Learning Academies Trust. The most senior person in each respective school is considered to be the Headteacher. This is not the Head of School.

### 1. AIMS

Our Trust aims to meet its statutory obligations when responding to complaints from parents of pupils at its schools, and others.

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 decisions we make are 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

Our Trust aims to be fair, open and honest when dealing with any complaint. When considering a complaint, we endeavour to deal with them as swiftly as possible. We aim to resolve any complaint through dialogue and mutual understanding, and in all cases, we put the interests of the child above all other issues. We provide sufficient opportunity for any complaint to be fully discussed, and then resolved.

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

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

Recording of meetings is not permitted without the express consent from all participants. All parties will be required to sign an agreement prior to a recording taking place. Covert recording of these meetings may result in the school taking further action and the incident being referred to the relevant authorities.

**We recommend that all parents and carers refrain from using social networking sites to discuss sensitive issues about the school.**

## 2. 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).

This policy complies with our funding agreement and articles of association.

In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#) with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements

## 3. DEFINITIONS AND SCOPE

### 3.1 Definitions

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

- A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”. The school will resolve concerns through day-to-day communication as far as possible
- A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”

### 3.2 Scope

The school intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does **not** cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion

- Whistleblowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

Arrangements for handling complaints from parents of children with special educational needs (SEN) about the school's support are within the scope of this policy. Such complaints should first be made to the class teacher followed by the special educational needs co-ordinator (SENCO) and then the head teacher; they will then be referred to this complaints policy. Our SEND Information Report includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

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

## 4. ROLES AND RESPONSIBILITIES

### 4.1 The complainant

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Co-operate with the school throughout the process, and respond to deadlines and communication promptly
- Treat all those involved with respect
- Do not publish details about the complaint on social media

### 4.2 The investigator

An individual will be appointed to look into the complaint and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the headteacher or complaints committee which includes the facts and potential solutions

### 4.3 Clerk to the local governing body

The clerk will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings.
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing
- In circumstances where it is deemed the clerk may be a conflict of interest, the above duties will be carried out by a member of the central HR team.

### 4.4 Committee chair

The committee chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

## 5. PRINCIPLES FOR INVESTIGATIONS

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved

- What the complainant feels would put things right

### 5.1 Time scales

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 time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

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

- If at any point we cannot meet the time scales 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

Where the complainant is a parent/guardian, a complaint must be made within one month of the child leaving the school.

### 5.2 Complaints about our fulfilment of early years requirements

We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint (see section 10) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk). An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

We will notify parents and carers if we become aware that the school is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis

## 6. STAGES OF COMPLAINT NOT AGAINST THE HEADTEACHER OR GOVERNORS

### 6.1 Stage 1: informal

- The school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.
- The complainant should raise the complaint as soon as possible with the relevant member of staff or the headteacher, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the Trust HR Team by phone or e-mail. Please see contact details below in Section 14.
- The school will acknowledge informal complaints within five school days and investigate and provide a response within a further five school days.
- The informal stage will involve a meeting between the complainant and the headteacher and/or the subject of the complaint, if appropriate.
- If the complaint is not resolved informally, it will be escalated to a formal complaint.

### 6.2 Stage 2: formal

The formal stage involves the complainant putting the complaint to the headteacher and/or the subject of the complaint:

- In a letter or email
- Over the phone
- In person
- Through a third party acting on their behalf

The complainant should provide details such as:

- relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

If complainants need assistance raising a formal complaint, they can contact the HR Team. See contact details below in Section 14.

The headteacher (or other person appointed by the headteacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within ten school days.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the clerk to the governing board in writing within ten school days.

### 6.3 Stage 3: review panel

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.

The panel will be appointed by the local governing body and must consist of at least three people who were not directly involved in the matters detailed in the complaint. At least one panel member must be independent of the management and running of the school and will be appointed by the Trust Board. The panel cannot be made up solely of governing body members, as they are not independent of the management and running of the school.

The panel will have access to the existing record of the complaint's progress (see section 10).

The complainant must have reasonable notice of the date of the review panel, which will be as soon as possible, and usually no later than 20 school days after receipt of the notification from the parents/guardian that they wish to invoke Stage 3. The review panel date will be dependent upon the availability of the panel members. At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

The panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave, and evidence will then be considered. See the meeting format in the appendices.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the proprietor and headteacher.

The school will inform those involved of the decision in writing within ten school days.

## 7. COMPLAINTS AGAINST THE HEADTEACHER, GOVERNOR OR GOVERNING BODY

### 7.1 Stage 1: informal

Complaints made against the headteacher, or any member of the local governing board should be directed to the clerk to the local governing body in the first instance. It will then be shared with the Central HR Team – see section 14 for contact details.

If the complaint is about the headteacher or one member of the local governing board (including the chair or vice-chair), the Chief Executive Officer will carry out the steps at stage 1 (set out in section 6 above).

### 7.2 Stage 2: formal

If the complaint is jointly about the chair and vice-chair, the entire governing body or the majority of the governing body, an independent investigator will carry out the steps in stage 2 (set out in section 6 above). They will be appointed by the Trust Board and will write a formal response at the end of their investigation.

### 7.3 Stage 3: review panel

If the complaint is jointly about the chair and vice-chair, the entire governing body or the majority of the governing body, a committee of independent governors will hear the complaint. They will be sourced from other schools within the Trust and will carry out the steps at stage 3 with Trust Board oversight (set out in section 6 above).

## 8. REFERRING COMPLAINTS ON COMPLETION OF THE SCHOOL'S PROCEDURE

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

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

If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the school's complaints procedure is found to not meet regulations, the school 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>

We will include this information in the outcome letter to complainants.

## 9. PERSISTENT COMPLAINTS

### 9.1 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's 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 policy
- Pursues a valid complaint, but in an unreasonable manner e.g., refuses to articulate the complaint, refused to co-operate with this complaints policy, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- 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 give them 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 our school site.

### 9.2 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 hadn't 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 DfE if they are dissatisfied with our original handling of the complaint

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

### 9.3 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, or wish to pursue the complaint further, the normal procedures will apply.

## 10. 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 phone calls.



This material will be treated as confidential and held centrally and will be 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, or where the material must be made available during a school inspection.

Records of complaints will be kept securely and will be retained for 1 year after the pupil leaves the Trust, in line with data protection law and our privacy notices.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing body in case a review panel needs to be organised at a later point.

Where the governing body is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing body, who will not unreasonably withhold consent.

## 11. LEARNING LESSONS

The local governing body will review any underlying issues raised by complaints with the headteacher, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

## 12. MONITORING ARRANGEMENTS

The local governing body will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The local governing body will track the number and nature of complaints, and review underlying issues as stated in section 11.

The complaints records are logged and managed by a school administrator or clerk to the local governing body.

This policy will be reviewed by the Learning Academies Trust Board annually and must be signed by the chair of the local governing body and the respective head teacher/ executive head teacher. This policy will be adopted by the local governing body at each member school.

## 13. LINKS WITH OTHER POLICIES

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report
- Privacy notices

## 14. TRUST CONTACT DETAILS

Learning Academies Trust

Telephone number: 01752 938028 Email: [hr@learningat.uk](mailto:hr@learningat.uk)

Address: Learning Academies Trust, Salisbury Road, St Judes, Plymouth PL4 8QZ

## APPENDIX: COMPLAINTS REVIEW PANEL PROCESS

### Appoint review panel

Review panel will be appointed by the local governing body and must be of at least 3 people who were not directly involved in the original complaint.

At least one panel member must be independent of the management and running of the school and will be appointed by the Trust Board.

### Reasonable notice

The complainant must have reasonable notice of the review panel date. It must be within 20 school days after receipt of the notification that the parents/guardian wishes to proceed to a review panel.

Both management & the complainant invited to submit evidence to be circulated no later than 48 hours in advance of the meeting

### Review panel

Both management and the complainant invited to attend. Both can be accompanied should they wish

Order for the meeting:

1. **Complainant to give statement**, present evidence and call witnesses if appropriate.
2. **Questions:** The panel and management invited to ask questions to the complainant.
3. **Management to give statement**, present evidence and call witnesses if appropriate.
4. **Questions:** The panel and complainant invited to ask questions
5. **Management & complainant asked to leave** so panel can consider its decision. Should there need to be a recall to get clarification on any points, all parties would attend such a recall.
6. **Findings & recommendations:** The panel will put together its finding and recommendations.  
Minutes of meeting will be sent to the complainant together with the findings/recommendations within 10 school days.