



LIFE ACADEMIES TRUST
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Complaints

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19/10/17	V0.1	Policy implemented as a multi academy trust
08/03/18	V0.2 (following notification from Stone King)	Inclusion of EYs Statutory Framework requirements Process for dealing with non-parental complaints Inclusion of independent member on complaints panel Updated section on parental attendance at complaints panel hearings Updated section on excluded categories of complaints Updated further recourse section

Contents

Contents	2
1. Introduction	3
2. Initial Concerns	3
3. Formal Complaint.....	4
Stage 1 - Review by Academy Principal / Setting Lead	4
Stage 2 - Review by Chair of Academy Governance Body (AGC)	4
Stage 3 - Review by LIFE Academies Trust	5
Attendance at a Complaints Panel Hearing	6
Serial or persistent complainants	6
4. Complaint against Academy Principal.....	6
5. Complaint against CEO.....	6
6. Complaint against a member/Chair of a Academy Governance Committee	7
7. Complaint from those who are not parents/carers of pupils at the Trust	7
8. Record Keeping	7
9. Confidentiality.....	8
10. Further Recourse	8
11. Complaints Relating to Fulfilment of the EYFS Requirements.....	8
12. Appendix 1 – Complaint Heard by Complaints Panel	9
Request:	9
Acknowledgement:	9
Panel Hearing:.....	9
Panel Membership:.....	9
The Remit of the Complaints Appeal Panel:	9
Attendance:.....	9
Evidence:.....	9
Roles and Responsibilities.....	10
The Role of the Company Secretary:	10
The Role of the Chair of the Board of Trustees or Nominated Governor:.....	10
The Role of the Chair of the Panel:	10
Decision:.....	10
Notification of the Panel’s Decision:.....	10

1. Introduction

This policy applies to any matter (other than matters relating to admissions and exclusions, statutory SEN assessment, matters involving child protection involvement, which have their own processes) which has been raised with an academy/setting by parents of pupils as a matter of concern.

Whistleblowing and staff grievances and discipline matters will not be considered under this policy.

This policy must be made available to parents of pupils.

This policy does not apply to those who are not parents of pupils at an Academy within the Trust. Complaints that fall in to this category will be dealt with as follows:

There is a difference between a concern and a complaint and LIFE Academies Trust believe that by taking informal concerns seriously at the earliest stage will reduce issues developing into formal complaints.

Most issues can be amicably resolved within individual academies/settings and every effort should be made to resolve these informally. However, where issues cannot be resolved and you are not satisfied, your concerns may be submitted in writing and this would then form a “complaint” which will be responded to as outlined in this policy.

2. Initial Concerns

On most occasions concerns can be resolved immediately – for example, by a parent speaking directly to their child’s form or class teacher.

Whilst the member of staff relevant to a concern may not be immediately available (for example they may be teaching) we guarantee a return call within 24 hours.

If a conversation over the phone is not appropriate, it may be necessary to make an appointment in order that we can ensure the correct member of staff can be made available to deal with your concern. Please contact the relevant school or setting in advance to arrange a mutually convenient time.

It is also always helpful if the member of staff you are making an appointment with is fully aware of the nature of your concern in advance. This will allow them to investigate fully prior to your meeting, helping to ensure a satisfactory outcome for your visit.

The purpose of the meeting should be to establish a solution or to agree a plan of action to resolve the concern.

If this is not possible through such a meeting, the following informal steps should be taken:

- (Step 1 – Form/Class Teacher/ ‘First contact’ member of staff)
- Step 2 – Ask to be referred to a Middle Leader - Head of Year/Key Stage leader / Line Manager as appropriate

- Step 3 – Ask to be referred to a Senior Leader - Associate/Vice Principal

The relevant middle or senior leader will make further investigations on your behalf and either speak to you or meet with you to suggest a workable solution.

If after taking the above steps the matter has still not been satisfactorily resolved you may consider making the matter the subject of a **formal complaint**.

It is important that the above steps are taken with a view to seeking resolution to a concern. A failure to do so may result in the formal complaint being terminated by the relevant governance body.

3. Formal Complaint

Stage 1 - Review by Academy Principal / Setting Lead

If the concern is not resolved at the informal stage it must be put in writing, addressed to the Academy Principal setting out briefly the;

- The nature of the complaint
- Details of what happened including (where relevant):
- Names of potential witnesses
- Dates and times of events
- What the complainant considers should have been done or where the Academy / Setting has not met reasonable expectations
- Copies of any relevant documents

An investigation will be carried out by a nominated individual identified by the Academy Principal as appropriate, who may offer the complainant a meeting. The 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.

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 the complainant may request that the complaint is dealt with at Stage 2. 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.

Stage 2 - Review by Chair of Academy Governance Body (AGC)

The complainant must put the complaint in writing to the Chair of the Academy Governance Committee (AGC), at the School's address, setting out briefly the facts and stating what it is that the complainant considers should have been done, or where the academy/setting has not met reasonable expectations.

The Chair of the AGC may appoint a member of the AGC 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.

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 15 school days of the written complaint being received.

Where the complainant remains dissatisfied he 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, what remedies are being sought and be lodged within **10** school days of the complainant receiving the findings in writing.

Stage 3 - Review by LIFE Academies Trust

Complaints should only very rarely reach this formal level.

If there is still no resolution to the issue, following the response from the Chair of the Academy Governance Committee, a further complaint should be made to the Trust's Company Secretary who will acknowledge receipt of the complaint no later than 3 school days.

This complaint should outline a brief summary of the reasons for the complaint and any supporting information relevant from the preceding school / setting-led investigations.

Where the Company Secretary receives a complaint under this policy he/she will make provision for a hearing before an appeal panel appointed by/or on behalf of LIFE Academies Trust and consisting of at least three people, which will include one person who is independent of the management and running of the Trust and any of its academies/settings. None of the members of the complaints panel will have been directly involved in the matters detailed in the complaint.

The complaints panel may also include one or more persons from the following categories:

- A member of the AGC where the complaint emanated from;
- A member of an AGC from another Academy/setting
- A member of the Board of Trustees.

The Company Secretary will invite the academy/setting to put in writing its response to the complainant's reasons. The academy/setting 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 Company Secretary will convene a meeting of the complaints panel. That meeting will be held on Trust 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. Wherever possible, the meeting will be held within 15 school days of the end of the academy's response time. At any meeting, the complainant will be entitled to be accompanied by a friend but legal representation will not be allowed.

The meeting is not a court case, it will be held in private, and will be informal as circumstances allow. 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 academy/setting will have the opportunity to put its side of things and each side, as well as the panel members, will be able to ask questions. The complainant will have the opportunity to make final comments to the panel.

The panel may make findings and recommendations and a copy of those findings and recommendations will be:

- Sent by electronic mail or otherwise given to the complainant and, where relevant the person complained about and;
- Available for inspection on the academy premises by the academy trust, the Principal/Head of setting and the CEO.

The panel will formulate its response as quickly as reasonably possible, aiming to do so within 10 school days and the Company Secretary will notify all concerned.

[Attendance at a Complaints Panel Hearing](#)

The Complaints Panel will proceed irrespective of whether or not the complainant and/or their representative attend. If the complainant does not confirm attendance or 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/persistent complaint section as below.

[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 the Trust Board 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 Trust will not respond to any further correspondence on this issue or a closely related issue.

4. Complaint against Academy Principal

Any complaint relating to the Academy Principal must be raised in the first instance with the CEO of the Trust who will, if an informal resolution cannot be reached, investigate in line with stage 2 above.

5. Complaint against CEO

Any complaint relating to the CEO of the Trust must be raised in the first instance with the Chair of the Trust Board who will, if an informal resolution cannot be reached, designate a member of the Board of Trustees to investigate in line with stage 2 above.

6. Complaint against a member/Chair of a Academy Governance Committee

Where a complaint is brought against a member of the Academy Governance Committee, the Chair of the Academy Governance Committee will investigate the complaint (or appoint another member of the Academy Governance Committee to do so) in line with stage 2 above.

If the complaint is against the Chair of the Academy Governance Committee, then the Vice Chair of the Academy Governance Committee will investigate the complaint (or appoint another member of the Academy Governance Committee to do so) in line with stage 2 above.

If the complaint is against a member of the Board of Trustees, then the Chair of the Board, (or in the case of a complaint against the Chair the Vice Chair) will investigate the complaint (or appoint another member of the Board to do so) in line with stage 2 above.

In exceptional circumstances the Chair of the Board of Trustees may at his or her absolute discretion determine that a complaint against a Principal, or member of the Academy Governance Committee should be dealt with at Board level and if so determined the Chair of the Board of Trustees will oversee the formal complaint.

7. Complaint from those who are not parents/carers of pupils at the Trust

Where the complaints process has been started (but not completed) whilst parents/carers have had children at the Trust, but the children have since left, the Trust should continue to follow this policy.

Where complaints have been started by parents/carers of former pupils after they have left the Trust, albeit about incidents that arose during the pupil's time at the Trust, or if a complaint is raised by those who do not have a pupil at the Trust, the procedure below will be followed:

- Complainants should first attempt to address their complaint to the Academy or Trust (as appropriate) informally.
- Only if this fails to resolve the situation should the complaint be submitted in writing to the Academy Principal/Head of Setting - if the complaint is about the Academy in general or to the Chair of the AGC if the complaint is about the Academy Principal/Head of Setting specifically).
- The Academy Principal/Head of Setting or Chair of the AGC, as appropriate) will acknowledge receipt of the complaint before considering it and issuing a final written response.

8. 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 1, 2 or whether it proceeded to a panel hearing, stage 3. The action taken by the academy/setting or the Trust as a result of a complaint (regardless of whether they are upheld) will also be recorded.

9. 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.

10. Further Recourse

Once the complaints process is concluded (or a complaint has been terminated due to undue delay or failure to lodge a stage 3 request 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 www.gov.uk or you may write to the ESFA at Earlsdon Park, 53-55 Butts Road, Coventry, CV1 3BH.

11. Complaints Relating to Fulfilment of the EYFS Requirements

In order to comply with the statutory framework, written concerns or complaints relating to the fulfilment of the EYFS Requirements will be dealt with in accordance with the following process:

- The written concern/complaint will be acknowledged within 5 days;
- The Academy Principal/Head of setting will investigate the concern or complaint which may include meeting with the complainant and Leader of Early Years. A written response notifying the complainant of the outcome of the investigation will be sent within 28 days of the complaint being received.
- Where the complainant remains dissatisfied, the Academy Principal/Head of Setting will ensure that a formal complaints panel will be convened in accordance with stage 3 of this policy.

A record of the written complaints and their outcome will be maintained and made available to Ofsted on request.

Parents are further advised that where you have concerns regarding the Academy/Setting meeting EYFS requirements they may contact Ofsted on 0300 123 4666.

12. Appendix 1 – Complaint Heard by Complaints Panel

Request:

A request for a complaint to be heard by a Complaints Panel (an appeal) must be made in writing to the Trust's Company Secretary within 10 school days from the date of the letter sent by the Chair of the Academy Governance Committee.

Acknowledgement:

The Company Secretary will acknowledge, in writing, receipt of the appeal within 3 working days and inform the complainant of the steps involved in the process. The Company Secretary will be the contact point for the complainant.

Panel Hearing:

The Company Secretary will aim to convene an Appeal Panel hearing as soon as possible after receipt of the complaint addressed to them.

Panel Membership:

The Panel will consist of three Trustees and/or Academy Governors who have not previously been involved in the complaint. The panel will also consist of one person who is independent of the management and running of the Trust and any of its academies/settings. In deciding the make-up of the Panel, Trustees need to try and ensure that it is a cross-section of the categories of Trustee and sensitive to the issues of race, gender and religious affiliation. The Panel will select its own Chair.

The Remit of the Complaints Appeal Panel:

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 systems or procedures to ensure that problems of a similar nature do not recur.

The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. The Panel Chair will ensure that the proceedings are as informal as possible.

Attendance:

The following are entitled to attend a hearing, submit written evidence and address the Panel;

- the parents/carers and/or one representative
- the Academy Principal and/or one representative
- any other person who the Complaints Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision making.

Evidence:

All parties will be given the opportunity to submit written evidence to the Panel in support of their position including;

- documents
- chronology and key dates

- written statements setting out further detail

The evidence will be considered by the Panel along with the initial submission.

All written evidence must be received by the Company Secretary no later than 5 school days in advance of the Panel Hearing. The Company Secretary will distribute the evidence to all parties no later than 3 school days in advance of the Panel Hearing.

Roles and Responsibilities

The Role of the Company Secretary:

All panels considering complaints must be clerked. The Company Secretary would be the contact point for the complainant and be 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
- meet and welcome the parties as they arrive at the hearing
- record the proceedings and keep confidential
- notify all parties of the panel's decisions

The Role of the Chair of the Board of Trustees or Nominated Governor:

- check that the correct procedure has been followed

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 or 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 a vested interest in the outcome of the proceedings or 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. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

Decision:

The Panel will reach a decision, and make any recommendations within 10 school days of the hearing. The decision reached is final.

Notification of the Panel's Decision:

The Panel's findings will be sent, in writing, by the Company Secretary, to the parents/carers, the Trustees and the Academy Principal and where relevant, to the person complained about. The letter will state the reasons for the decision reached and any recommendations made by the Panel.