



Complaints Procedure

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1. Introduction

The Learning Community Trust (the Trust) and its academies aim to meet statutory obligations when responding to complaints from parents/carers of pupils and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation, where necessary by an independent person
- Address the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect and courtesy
- Make sure that any decisions we make are lawful, rational, reasonable, fair and proportionate
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement processes

Wherever possible, we will try to resolve concerns or complaints by informal means. Where this is not possible, formal procedures will be followed.

The Trust will aim to give the complainant the opportunity to complete the complaints procedure in full. To support this, we will make sure we publicise the existence of this policy and make it available on the both the Trust and academy websites.

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

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 Trust's academies.

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).

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”

- A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”

3.2 Scope

The Trust and its academies intend 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/suspension
- Whistleblowing
- Staff grievances
- Staff discipline
- Withdrawal from the curriculum

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 academy/Trust throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed
- Treat all those involved with respect
- 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 relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the Headteacher/Principal or panel which includes the facts and potential solutions

4.3 The complaints coordinator

The complaints co-ordinator can be:

- The Headteacher/Principal's PA;

- The LCT Governance Professional; or
- Any other staff member assigned to the role

The complaints coordinator will:

- Keep the complainant up to date at each stage in the procedure
- Make sure the process runs smoothly by liaising with staff members, the Headteacher/Principal, Chair of the local governing body (LGB), panel members, CEO of the LCT and Chair of the LCT (as appropriate)
- Be aware of issues relating to:
 - Sharing third party information
 - Additional support needed by complainants, for example interpretation support or where the complainant is a child or young person
- Keep records

4.4 Clerk to the local governing bodies

The LCT Governance Professional acts as the clerk to the academies' governing bodies and will, once a complaint has progressed to Stages 3-5:

- Be the contact point for the complainant and appeal panel, including circulating the relevant papers and evidence before a panel hearing
- Arrange the hearing
- Record and circulate the minutes and outcome of the hearing

4.5 Panel chair

The Panel Chair will:

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

5. Principles for investigation

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 Timescales

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 timeframe 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 first school day after the holiday period.

If at any point we cannot meet the timescales 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

Referral to the next stage of the Complaints Procedure must be requested within 10 school days of receipt of the outcome from the previous stage. If this referral is not received within this timescale, the complaint will be considered closed by the academy/Trust.

5.2 Complaints about our fulfilment of early years requirements

We will investigate written complaints relating to the fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. We 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 Early Years Foundation Stage requirements are not being met by calling 0300 123 4666, or by emailing 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 complaints against the headteacher or governors)

6.1 Stage 1: Informal

The Trust's academies 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/Principal, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, the main contact number/email should be used. The website addresses for each academy, where contact information is published, can be found in Appendix 1.

The academy will acknowledge the complaint within two school days and provide a response within five school days.

The informal stage may involve a meeting between the complainant and the staff member assigned to handle the complaint if this is deemed appropriate; otherwise, the complainant will be notified by telephone or email regarding the outcome of the informal complaint.

If the complaint is not resolved informally, it will be escalated to a formal complaint (Stage 2).

6.2 Stage 2: Formal

The formal stage involves the complainant putting the complaint to the Headteacher/Principal 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 a complainant needs assistance raising a formal complaint, they can contact the academy directly. The website addresses for each academy, where contact information is published, can be found in Appendix 1.

The Headteacher/Principal will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within two school days.

The Headteacher/Principal (or other person appointed for this purpose) will then conduct an investigation. The written conclusion of this investigation will be sent to the complainant within 10 school days via the appointed complaints coordinator.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the LCT Governance Professional (the clerk to the governing bodies) in writing within ten school days – contact details will be included within the Stage 2 outcome letter.

6.3 Stage 3: Formal – Chair of the Governing Body

If the complainant is not satisfied with the response received from Stage 2, the complainant should ask for their complaint to be referred to Stage 3, where it will be reviewed by the Chair of the academy's governing body.

The Chair will review the complaint and the outcomes from the previous stage(s). They may request further information from all parties at this stage.

The Chair, via the LCT Governance Professional, will formally respond in writing within 15 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 LCT Governance Professional in writing within 10 school days – details will be included within the Stage 3 outcome letter.

6.4 Stage 4: Formal - Review panel

Convening the panel

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at Stage 3.

The panel will be convened by the LCT Governance Professional and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the academy. The panel, therefore, will not 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 and may request further information from all parties at this stage.

The complainant will be given reasonable notice of the date of the review panel – a date within 10 school days of the request will be set where possible. If the complainant rejects the offer of three proposed dates without good reason, a date will be set and the hearing will go ahead using written submissions from both parties.

Any written material will be circulated to all parties at least 5 school days before the date of the hearing.

At the hearing

The hearing will be held in private. 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 will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

At the review panel, the complainant and representatives from the academy, as appropriate, will be present. Each party will have an opportunity to set out written or oral submissions.

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

Representatives from the media are not permitted to attend.

At the hearing, each party will have the opportunity to give oral or written statements and present their evidence, and witnesses may be called, as appropriate, to present their evidence.

The panel, the complainant and the academy representative(s) will be given the chance to ask and reply to questions. Once the complainant and academy representative(s) have both presented their cases, they will be asked to leave and evidence will then be considered. The procedure of the appeal hearing can be found in Appendix 2 of this document.

The panel will:

- put together its findings and recommendations from the case
- provide copies of the minutes of the hearing, the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint
- make a copy available for inspection by the Trust and Headteacher/Principal

The outcome

The panel can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part

If the complaint is upheld, the panel will:

- Decide the appropriate action to resolve the complaint
- Where appropriate, recommend changes to systems or procedures to prevent similar issues in the future

The LCT Governance Professional will inform those involved of the decision in writing within 15 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 LCT Governance Professional in writing within 10 school days – details will be included within the Stage 4 outcome letter.

6.5 Stage 5: Formal – Chair of the LCT

If the complainant has taken their complaint through Stages 1-4 and can provide evidence that the Complaints Procedure has not been followed, they may wish to refer their complaint to Stage 5, where it will be reviewed by the Chair of the Learning Community Trust.

If the Chair deems it necessary, a review panel will be appointed and the process detailed in Stage 4 will be followed with a new review panel.

The Chair of the LCT, via the LCT Governance Professional, will formally respond in writing within 15 school days.

If the complainant remains dissatisfied, details for how the complaint can be reviewed by the DfE can be found in Section 8.

7. Complaints against the Headteacher/Principal, a governor or the governing board

Complaints made against a Headteacher/Principal or any member of the governing body (including the Chair or Vice Chair) should be directed to the LCT Governance Professional in the first instance, who acts as the clerk to the academies' local governing bodies.

The LCT Governance Professional will ensure the stages outlined within this procedure are followed and will engage independent personnel as required to ensure the process remains fair and impartial.

8. Referring complaints on completion of the Trust's procedure

If the complainant is unsatisfied with the outcome of the complaints procedure, they can refer their complaint to the Education & Skills Funding Agency (ESFA). The ESFA will check whether the complaint has been dealt with properly by the Trust/academy. The ESFA will not overturn a trust/academy decision about a complaint, but will intervene if an academy or trust has:

- Breached a clause in its funding agreement
- Failed to act in line with its duties under education law
- Acted (or is proposing to act) unreasonably when exercising its functions

If the Trust's complaints procedure is found to not meet regulations, the Trust 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

We will treat complaints seriously; however, a complaint may become unreasonable if the person:

- Has made the same complaint before and it has already been resolved by following this Complaints Procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Insists on pursuing a complaint that is unfounded, or out of scope of the Complaints Procedure
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the

complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out

- Makes a complaint designed to cause disruption, annoyance or excessive demands
- Seeks unrealistic outcomes, or a solution that lacks any purpose or value

Steps we will take

The Trust and its academies 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 procedure as outlined above wherever possible.

If the complainant continues to make contact 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 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 sites.

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 had not 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 that the local process is complete
- Direct them to the ESFA 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 a large volume of complaints is received about the same topic or subject, especially if these come from complainants unconnected with the Trust/academy, the Trust/academy may respond to these complaints by:

- Publishing a single response on its website
- Sending a template response to all of the complainants

If complainants are not satisfied with the response, or wish to pursue the complaint further, the normal procedures will apply.

10. Record keeping

We 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, only for as long as necessary and in line with data protection law, our privacy notices and record retention schedule.

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 board is aware of the substance of the complaint before the review panel stage, an independent panel will be arranged 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/LCT Chair (dependent on the stage), who will not unreasonably withhold consent.

11. Learning lessons

The LCT Governance Professional will refer any underlying issues raised by complaints to the Headteachers/Principals, Executive Principal and/or the CEO of the LCT where appropriate, and respecting confidentiality, to determine whether there are any improvements that the Trust can make to its procedures or practice to help prevent similar events in the future.

12. Monitoring arrangements

The LCT Governance Professional will monitor the effectiveness of the Complaints Procedure in making sure that complaints are handled properly. The LCT Governance Professional will track the number and nature of complaints, and review underlying issues as stated in Section 11.

The academy complaints records (Stages 1-2) are managed by the individual academies. The centralised records (Stages 3-5) are managed by the LCT Governance Professional.

This procedure will be reviewed by the LCT Governance Professional every two years, or sooner if required.

At each review, the procedure will be approved by the LCT's Resources Committee.

Appendix 1 – Contact details (as at October 2022)

Academies

The contact details for each of the academies is published on their websites:

Charlton School	http://www.charlton.uk.com/contact-us
Crudgington Primary	https://www.crudgingtonschool.org.uk/home/contact-us/
Ercall Wood Academy	https://www.ercallwood.co.uk/contact-us
HLC - Primary	https://hadleylearningcommunity.org.uk/primary/
HLC - Secondary	https://hadleylearningcommunity.org.uk/secondary/
Lantern Academy	https://lanternacademy.co.uk/
Queensway	https://queensway.school/
Severndale Specialist Academy	https://severndaleacademy.co.uk/
Wrekin View Primary	https://www.wrekinviewprimary.co.uk/contact-us

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Appendix 2 – Appeal hearing procedure

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

1. The complainant and Headteacher/Principal will enter the hearing together
2. The Chair of the Appeal Panel will introduce the panel members and outline the process
3. The complainant will explain the complaint
4. The Headteacher/Principal and panel members have the opportunity to question the complainant
5. The Headteacher/Principal will explain the academy's response
6. The complainant and the panel members have the opportunity to question the Headteacher/Principal
7. The complainant will sum up their complaint
8. The Headteacher/Principal will sum up the academy's response
9. The Chair of the Appeal Panel will explain that both parties will hear from the panel within 15 school days
10. Both parties will leave together while the panel discusses and makes its decision
11. The LCT Governance Professional, as clerk to the panel, will stay to advise the panel and assist with its decision making. The panel will consider its decision.
12. The outcome letter setting out the decision of the panel and the reasons underpinning that decision will be sent to the complainant and Headteacher/Principal within 15 school days. If for any reason this timescale cannot be met, both parties will be informed of a new date for when the decision will be communicated

The Appeal Panel can:

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