



LEVER ACADEMY TRUST

Local People, Inspiring Excellence

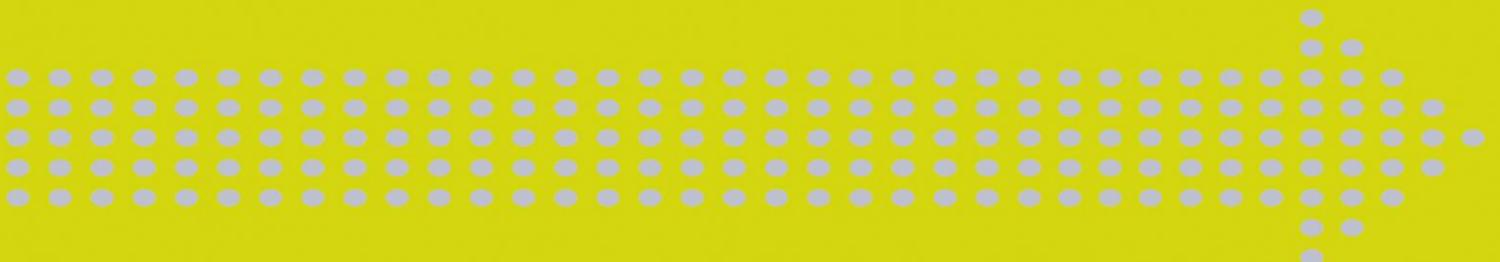
COMPLAINTS POLICY

REVIEWED BY THE

LEVER ACADEMY TRUST: 08.06.16

RATIFIED BY THE LEVER ACADEMY TRUST: 08.06.16

celebrating achievement and success



Contents

1.	Complaints Policy Introduction	Page 2
2.	Complaints not in scope of this Policy	Page 2
3.	Governing Board Review	Page 3
4.	Timeframes and Timeliness	Page 3
5.	Recording and Co-ordination of Complaints	Page 3
6.	Investigating and Resolving Complaints	Page 4
7.	Dealing with Unreasonable Complaints	Page 4
8.	Complaints Procedure – Stage 1 (Heard by Staff Member)	Page 5
9.	Complaints Procedure – Stage 2 (Heard by Headteacher)	Page 5
10.	Complaints Procedure – Stage 3 (Heard by Chair of Governors)	Page 6
11.	Complaints Procedure – Stage 4 (Governing Board Complaints Committee)	Page 7
12.	The Role of the School Complaints Unit (SCU)	Page 8
	Appendix 1 – Complaints Form	Page 10
	Appendix 2 – Unreasonable Complaints Policy	Page 12

This policy has been developed by the Bolton Governor Services Team with reference to Department for Education guidance - '*Best Practice Advice for School Complaints Procedures 2016*'. A copy of this guidance may be downloaded from the www.gov.uk website. The Lever Academy Trust has adapted and personalised this as appropriate.

	Enclosure 1 – Investigation Interview Best Practice – advice for schools	Page 14
	Enclosure 2 – Serial and Persistent Complaints – advice for schools	Page 16
	Enclosure 3 – Summary Guidance for Parents	Page 18
	Enclosure 3 – Summary Guidance for Governors – Stage 4	Page 21

1. Complaints Policy Introduction

Lever Academy Trust has a complaints procedure which ensures that they respond to complaints as quickly and effectively as possible. The procedure will set out exactly what will happen with a complaint and how long the process will take.

The procedure will be used to deal with complaints relating to the school and any community facilities or services that the school provides.

The trust values all comments about the trust and schools and will endeavour to address the complainants concerns or complaints at the earliest stage possible.

A 'concern' may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*'. A complaint may be generally defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.

The formal procedures will need to be invoked when initial attempts to resolve the complaint are unsuccessful and the person raising the complaint remains dissatisfied and wishes the matter to be heard by an impartial committee of the appropriate Governing Board.

In the first instance complainants will be directed to a member of staff who will refer the complaint to the most appropriate person. If the complaint concerns the Headteacher the complainant should contact the Chair of Governors in writing via the school. If the complaint is about the Chair of Governors or any individual governor, the complainant should write to the Clerk to the Trust who will convene the complaints committee appointed from the Trustees, and stage four of this procedure will apply. In this instance the Vice-Chair of Governors may choose to present the evidence for the school. The Clerk may refer to the Board of Trustees EFA for advice and support on any investigation.

When making a complaint it is important that the complainant identifies their desired outcome, that is what actions they feel might resolve the problem at any stage. Pupils, parents or carers can make a complaint to the school about most aspects of its function.

The same complaint could be made jointly by a number of persons, in this case it is expected that a nominee/representative speak on behalf of all complainants, otherwise, all complaints will be dealt with on an individual basis.

Members of the general public may make complaints to the school if the school is directly responsible for the issue being complained about for example, behaviour of pupils during break-times; health and safety issues of premises and behaviour of staff. These complaints will not fall within the jurisdiction of the Secretary of State or Ofsted, therefore only the Headteacher and the Trustees will consider them.

2. Complaints not in Scope of this Policy

Complaints not in scope of this procedure due to separate statutory procedures are:

- admissions to schools; statutory assessments of Special Educational Needs;
- school re-organisation proposals;
- matters likely to require a Child Protection Investigation;
- exclusion of children from school
- staff grievance and disciplinary procedure;
- Complaints about service provided by other providers who may use the premises or facilities.

A complaint about any community facilities or services provided by any third party through the school premises or using school facilities should be addressed to the third party provider who will have their own complaints procedure. Copies of the complaints procedure for any third party provider are available directly from the provider.

3. Governing Board Review

The appropriate Governing Board will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints will not be shared with the whole Governing / Trust Board, except in very general terms, in case a complaints committee is required to be formed. Complaints information shared with the whole Governing / Trust Board will not normally name individuals.

If the whole Governing / Trust Board is aware of the substance of a complaint before the final stage has been completed, the school / trust will arrange for an independent panel to hear the complaint. The Governing / Trust Board may make a formal approach to another school, to ask for help or the LA Governor Services team. Guidance from the EFA / DFE should be sought on the matter before a formal approach is made.

As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to school / trust improvement. When individual complaints are heard, any underlying issues that are identified will be addressed. The monitoring and review of complaints by the school and the Governing / Trust Board is seen as a useful tool in evaluating a school's / trust performance and will be shared with the appropriate Senior Management Team in order for services to be improved.

4. Timeframes and Timeliness

Realistic timeframes for all aspects of the process are included within this procedure and should be adhered to at all stages. Where further investigation is required, new timeframes may be considered; however, details of these including an explanation will be provided to the complainant.

Complaints should be made as soon as possible after an incident arises and before three months have lapsed. After three months, the School will consider on an individual basis whether to consider exceptions to this.

5. Recording and Co-ordination of Complaints

Complainants will be requested to submit their complaint in writing by completing the enclosed '*School / Trust Complaints Form*'. (Appendix 1) The Trust is mindful of their obligations under the Equality Act 2010 and requests for alternative methods of communication will be considered where appropriate. Suitable records of such communication will be required.

In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls will be kept and a copy of any written response added to the record. Minutes of the Stage 4 Complaints Committee meeting must be taken.

The School / Trust will record the progress of the complaint and the final outcome. The Headteacher or complaints co-ordinator will be responsible for these records and hold them centrally. Complainants have a right to copies of these records under the Freedom of Information Acts.

The relevant academy Headteacher will act as complaints co-ordinator to ensure the smooth running of the complaints procedure and adequate recording of all stages of the process. This role may be undertaken by any Headteacher in regards to Trust complaints. It is expected that the role would include:

- ensuring that the complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaints procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- liaise with staff members, Headteacher (if not undertaking the role), Chair of Governors / Trust and Clerk to ensure the smooth running of the complaints procedure;
- keep records;
- be aware of issues such as sharing third party information and additional support that may be needed by complainants, including interpretation support.

6. Investigating and Resolving Complaints

The Investigator is the person(s) involved in Stages 1 to 3 of the procedure. At each stage, the person investigating the complaint will make sure that they:

- provide a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
 - consideration of records and other relevant information;
 - interviewing staff and children/young people and other people relevant to the complaint;
 - analysing information;
- effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right;
- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond; and
- responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they:

- conduct interviews with an open mind and be prepared to persist in the questioning;
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.

7. Dealing with Unreasonable or Persistent Complaints

If properly followed, the complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied.

There are occasions when complaints become unreasonable and the school has a policy to deal with such situations. A copy of the *'Policy for Unreasonable Complaints'* is enclosed (appendix 2).

The School / Trust will do their best to be helpful to complainants; however, in cases where the school / trust is contacted repeatedly by an individual making the same points, or who asks them to reconsider their position, the school / trust will take appropriate action. It is a poor use of time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of Governors / Trust will inform the complainant that the procedure has been completed and that the matter is now closed.

If the complainant contacts the school / trust again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school / trust may choose not to respond.

8. Complaints Procedure – Stage 1 (informal)

Stage One: Complaint Heard by Staff Member

The vast majority of concerns can be resolved informally. There are many occasions where the class teacher, office staff, or the Headteacher, can resolve concerns straight away. It is in everyone's best interests that complaints are resolved at the earliest possible stage. Complainants must feel able to raise their complaint with members of staff without any formality, either in person, by telephone or in writing. This allows staff to establish whether a person is asking a question, expressing an opinion or making a complaint.

The member of staff first contacted will clarify the nature of the complaint and re-assure the complainant that the school wants to hear about it. Once a complaint has been received by a member of staff they will determine whether they are the best person to resolve the complaint. The Headteacher should be informed of the complaint.

The Trust respect the views of any complainant and if they express a difficulty in discussing their complaint with a particular member of staff the complaints co-ordinator will refer the complainant to another member of staff.

Where the complaint concerns the Headteacher, the Clerk to the Trust will refer the complainant to the Chair of Governors.

If the complaint involves any child protection issue, the Headteacher will inform the relevant Local Authority social care team or Local Authority Designated Officer (LADO).

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Headteacher may consider referring the complainant to another staff member.

Once the complaint has been investigated the outcome will be communicated to the complainant and the Headteacher. The complaint will be responded to within 10 school days either verbally or in writing. The complainant must also be informed of what do next if they remain dissatisfied with the response.

If the complainant remains dissatisfied with the outcome of the investigation into their complaint they should write to the Head Teacher within 10 school days asking for your complaint to be investigated at stage 2.

9. Complaints Procedure – Stage 2 (formal)

Stage Two: Complaint Heard by Headteacher

Parents and pupils will be advised of their right to make complaints. Complaints should be made either in writing using the form in Appendix 1 or by arrangement of an appointment with the Headteacher. If the complaint is about the Headteacher, the Academy Chair of Governors will deal with the matter using this procedure. If the complainant has difficulty expressing themselves in writing, they should be informed where they can get independent assistance.

The Headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken. The person investigating the complaint should be clear what exactly the complaint is and the desired outcome as soon as possible.

The Headteacher will contact the complainant and provide an opportunity for the complainant to discuss their complaints and find solutions. This could be by phone or in a meeting. It will be made clear that the complainant may bring a friend, family member or advocate to any meeting if they wish. Interpreting services will be made available where necessary. The Headteacher should have another member of staff present to observe and record the meeting and promote staff safety. Care should be taken in these circumstances not to create an intimidating atmosphere for the complainant. If it is necessary to interview pupils as part of the investigation, this will be done in the presence of another member of staff, or in the case of serious complaints e.g. where the possibility of criminal investigation exists, in the presence of their parents.

Written notes will be kept of all communications with regard to the complaint and its investigation.

The complaint will be investigated and written response will be provided within 10 school days, unless the complaint is complicated and to allow for a full investigation to be carried out an extension of 10 school days may be granted. Where it is deemed necessary to apply an extension to the investigation period this will be communicated to the complainant.

The complainant must be informed of the right to progress the complaint to stage 3 if they remain dissatisfied.

10. Complaints Procedure – Stage 3 (formal)

Stage Three: Complaint Heard by Chair of Governors

Where a complainant remains dissatisfied with the outcome of a complaint at stage two they should write to the Chair of Governors within 10 school days of receipt of the decision of the stage two investigation. The Chair of Governors will first ensure that the complaint has been dealt with at stage two, and the complaint is covered by the school's complaints procedure not other procedures e.g. personnel or child protection. If not the matter will be referred back to the Headteacher and the Chair of Governors will write to the complainant advising them of the correct procedures.

Upon receipt of a letter notifying the complainant is not satisfied with the outcome of a stage two investigation, the Chair of Governors will write acknowledging that the complaint has been received. At this point the Chair of Governors will reinvestigate the complaint or/and offer mediation as a means of resolving the complaint. Mediation can be facilitated by the Chair of Governors, or if it is felt to be more appropriate an external agency may be used such as The Bolton Information and Advisory Service for SEND, Bully Free-zone or a professional mediation service.

The complainant must be informed of the right to progress the complaint to stage 4 if they remain dissatisfied.

11. Complaints Procedure – Stage 4 (formal)

Stage Four: Complaint Heard by Trust Board's Complaints Committee

Where a complainant remains dissatisfied with the outcome of a complaint at stage three they should write further to the Chair of Governors within 10 school days of receipt of the decision of the

stage three investigation. The Chair of Governors will write acknowledging that the complaint has been received and confirm that the matter will progress to be heard by the Trust Board's Complaints Committee. The letter will explain that the complainant has the right to submit any further documents or information relevant to the complaint. A deadline for submission of these documents will be given, which should be at least 5 school days before the hearing.

A clerk will be appointed who will convene the complaints committee appointed from the Trust Board. The committee will comprise of 3 or 5 trustees who have no previous involvement with the complaint, of which one will assume the role of chair for the committee, who will have delegated powers to hear complaints at this stage. The complaint should never be heard by the entire Trust Board. If the whole Trust Board is aware of the substance of a complaint before the final stage has been completed, the school will arrange for an independent panel to hear the complaint. The Trust Board may make a formal approach to another school, to ask for help or the LA Governor Services team. Guidance from EFA / DFE should be sought on the matter before a formal approach is made.

Procedure for the Trust Board Complaints Committee Hearing

The School at this point will determine the appropriate person to represent at the meeting. This would usually be the Headteacher or Chair of Governors. In the event of a complaint about the Headteacher, this would be the Chair of Governors.

The Headteacher and Chair of Governors will also be invited to submit a written report for the committee; this may be a copy of the stage two and three response. The Headteacher may also invite members of staff directly involved in matters raised by the complainant to respond personally or in writing.

The complaints committee will set a timetable for the hearing and should notify the complainant of this. The hearing should be heard within 20 school days of receiving the letter following stage three.

Where possible the complaints hearing meeting will be professionally clerked. The clerk 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;
- welcome the parties as they arrive to the hearing;
- record the proceedings;
- notify all parties of the committee's decision.

The Clerk will write to inform the committee, Headteacher, complainant and any relevant witnesses of the date and time of the hearing, giving a minimum of 5 days notice. All documents submitted will be circulated to the committee, the Head Teacher and the complainant. The complainant will be notified of their right to have a friend, family member, advocate or interpreter present if they wish. The Chair of Trust will ensure that minutes are taken at the complaints committee meeting.

The committee should be open-minded and independent. The aim of the meeting will be to resolve the complaint and achieve reconciliation between the school / trust and the complainant. However, it may sometimes only be possible to establish the facts and make recommendations that satisfy the complainant that their complaint has been taken seriously.

The decision of the committee must be final as they have been delegated authority by the Trust Board to hear and make decisions about the complaint.

The hearing will be held in private. Any witnesses (other than the complainant and the Headteacher) will only attend for the part of the hearing in which they give evidence. As per good practice, at no point will the Headteacher or the complainant be left with the complaints committee without the other being present.

The committee should remember that the complainants may not be familiar with the conduct of formal meetings and may feel inhibited in addressing the committee. The chair of the committee should keep the proceedings as informal as possible. This is particularly important if the complainant is a child.

If either party wishes to introduce new information at the meeting, this should be allowed. The meeting should then be adjourned for a short period to allow other parties to review and respond to this information.

The meeting will allow for

- The complainant to explain their complaint and the Headteacher to explain the school's response
- Witnesses to be brought by the complainant or the Headteacher
- The Headteacher and the complainant to ask questions of each other and any witnesses
- The committee to ask questions of the complainant, Headteacher and any witnesses
- The complainant and the Headteacher to summarise their position

The chair of the committee should thank the complainant and Headteacher for their attendance and request they leave the meeting while the committee consider their decision.

The Committee Members can then decide to:

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

A written response detailing the decisions, recommendations and the basis on which these have been made will be sent to the complainant and the Headteacher within 5 school days of the meeting.

The school / trust will retain a copy of all correspondence and records of meetings in line with current retention guidelines.

12. The Role of the Secretary of State and Ofsted

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the trust has acted unlawfully or unreasonably and where it is expedient or practical to do so.

The complainant should address the complain, with full details, to:

The Secretary of State
Department for Education
Sanctuary Buildings
Great Smith Street
London SW1P 3BT

Ofsted will also consider a complaint if it affects the school as a whole. For example:

- The school is not providing a good enough education
- The pupils are not achieving as much as they should, or their different needs are not being met
- The school is not well led and managed or is wasting money
- The pupils' personal development and wellbeing are being neglected

Ofsted can be contacted on 08456 404045 or email enquiries@ofsted.gov.uk



School / Trust Complaints Form

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

Surname: _____ **First Name:** _____ **Title:** _____

Address: _____

_____ **Postcode:** _____

Home Tel: _____ **Work Tel:** _____

Mobile: _____ **Email:** _____

Pupil's Name (if relevant): _____

Your relationship to pupil (if relevant): _____

1. Please give details of your complaint: (continue on a separate sheet if necessary)

2. What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response?)

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

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

Signed: _____ **Date:** _____

After completion please email this form to: mke@little-lever.bolton.sch.uk

or Post to: Little Lever School
Church Street
Little Lever
Bolton BL3 1BT

<p><u>OFFICIAL USE</u></p> <p>Date Acknowledgement Sent: _____</p> <p>Acknowledgement Sent by who: _____</p> <p>Complaint Referred to: _____</p> <p>Date: _____</p>
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Policy for Unreasonable Complaints

Lever Academy Trust is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school / trust. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Lever Academy Trust defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'.

A complaint may be regarded as unreasonable when the person making the complaint:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- maliciously;
- aggressively;
- using threats, intimidation or violence;

- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the Headteacher or Chair of Governors / Trust will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the School / Trust causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the School.

Barring from the School Premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Headteacher or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing. The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

Adopted on: _____

For Review on: _____