



COMPLAINT POLICY

**Reviewed and approved by the
Trustees of
Leodis Academies Trust
on 24 September 2020**

“We acknowledge that the pressures caused by coronavirus (COVID-19) might affect schools’ usual processes and timescales for complaints. However, schools should still consider complaints, particularly those relating to the provision of remote education.” DfE 15 January 2021

This policy should be used within the context of the vision and values of Leodis Academies Trust and the individual Academy. It sets out the procedure that all Academies within the Trust must adhere to. The policy is available to staff and parents electronically or on request.

We believe our Academies provide an excellent education for all our children, and that the Principals and other staff work very hard to build positive relationships with all parents and the local community. If you have a concern or complaint, please let the Academy know as soon as possible. We will carefully consider all feedback, whether positive or negative, and will review our policies and practices accordingly.

Our Academies aim to be fair, open and honest, and will aim to resolve any complaint through dialogue and mutual understanding and, in all cases, put the interests of pupils/students above all other issues. By following this policy our Academies provide sufficient opportunity for a complaint to be fully discussed, and then resolved. Please note that even when a complaint has been made, it can be resolved or withdrawn at any stage.

We will treat all concerns and complaints seriously and courteously and will advise complainants and others of Academy procedures for dealing with their concerns. In return, we expect complainants to behave respectfully towards all members of the school community. In particular, any disagreement with the Academy should not be expressed inappropriately or in front of pupils/students.

Whilst we will seek to resolve concerns and complaints to the satisfaction of all parties, it may not be possible to achieve this in every case. We will, therefore, use our option to close a complaint before all the stages of the Academy’s procedures have been exhausted, if this appears to be appropriate.

This procedure does not apply to, and should not be used for, statutory appeals in relation to:

Admissions

Exclusions

Statemnting for children with special educational needs.

Similarly, it should not be used for dealing with a complaint relating to:

Child protection

Staff discipline, capability or grievance

The Trustees are responsible for the overall Complaint Policy and ensuring adoption by each Local Governing/Advisory Board.

The Local Governing/Advisory Board and Principal/Headteacher of each Academy are responsible for the implementation of the Complaint Policy.

Distribution

Leodis Academies Trust – Central Team

East Ardsley Primary Academy

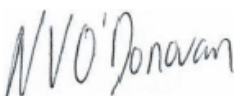
Hill Top Primary Academy

Westerton Primary Academy

Woodkirk Academy

Blackgates Primary Academy

Signed: ...



N O'Donovan

Chair of Trustees

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1. MAKING A COMPLAINT

1.1. Informal stage

- 1.1.1. Many concerns can be dealt with satisfactorily without the need to resort to a formal procedure. Initially, you should address your concerns to the relevant member of staff by telephone, email or letter. Please see Appendix 1 for contact details.
- 1.1.2. The Academy is committed to responding as quickly as possible and, following enquiries, we will contact you by telephone, in writing, or ask you to come into school. An informal complaint should be addressed within 10 school days. Please do not ask to see a member of staff without an appointment as it is unlikely they will be able to see you.
- 1.1.3. If you feel your concerns have not been addressed we will deal with the matter formally (Stage One). You have 10 school days to instigate Stage One.

1.2. Stage One – Referral to the Principal

- 1.2.1. You must put your complaint in writing or complete the form at Appendix 2. If you prefer you can pick up a copy of the form from Reception.
- 1.2.2. If your complaint is about the Principal you must put it in writing, addressed to the Chair of the Governing/Advisory Board, marked private and confidential.
- 1.2.3. If your complaint is about the Chair of Governors you must put it in writing, addressed to the Vice Chair of Governors, marked private and confidential.
- 1.2.4. If your complaint is about a member of staff, it will be dealt with under the Academy's internal confidential procedures, as required by law.
- 1.2.5. Any complaint must be lodged within three months of an incident happening.
- 1.2.6. An acknowledgement will be sent to you within **five school days**. The Principal will make sure a full investigation is carried out and normally a full response will be sent within **15 school days**. If this is not possible, we will write to explain the reason for the delay and let you know when we hope to be able to provide a full response.
- 1.2.7. As part of our consideration of your complaint, you may be invited to a meeting to discuss the complaint and fill in any details required. If you wish, you can ask someone to accompany you to help you explain the reasons for your complaint. The Investigating Officer, Principal or Chair of the Governing/Advisory Board may also be accompanied by a suitable person if they wish.
- 1.2.8. The response will include what action (if any) the Academy proposes to take to resolve the complaint or, if the complaint is not accepted, a full explanation as to why. You will be advised that if you are still not satisfied the next stage is an appeal to the Governing/Advisory Board, which should be made in writing.
- 1.2.9. You have **10 school days** to consider the outcome of your complaint at Stage One and instigate Stage Two. If no request for a Complaint Review Panel is received within **10 school days** it will be deemed that the decision is accepted and the complaint will be closed.

1.3. Stage Two – Appeal to the Governing/Advisory Board

- 1.3.1. If you are still not satisfied after Stage One with the way your complaint was handled, you can address your complaint to a Governors' Complaint Review Panel. This must be done in writing within **10 school days** of getting a response from the Principal or Chair of Governors and should give the reasons for requesting a review. The circumstances under which a review would be conducted include those where there is:
 - 1.3.1.1. a claim that material information was not taken into account in investigating the complaint. This does not allow for the presentation of new material;
 - 1.3.1.2. a claim that procedures have not been properly applied in handling the complaint; or
 - 1.3.1.3. a claim that there has been an incorrect interpretation of Academy policy.
- 1.3.2. Disagreeing with the outcome at Stage One is not sufficient grounds for undertaking a review under this part of the procedure. The aim of a panel is not to rehear the complaint. It is there to review how the complaint has been investigated and to determine whether this has been conducted fairly and objectively. This is a formal process, and the ultimate recourse at school level.
- 1.3.3. A Complaint Review Panel will be convened within **20 school days**. The panel will comprise at least two Governors with no previous knowledge of your case and an additional person who is independent of the management and running of the individual Academy, and not a member of the Governing/Advisory Board. The panel will not include teaching or staff Governors.
- 1.3.4. The Academy shall take reasonable steps to convene a panel hearing at a time and date mutually convenient to all parties. We will inform you at least **five school days** in advance, of the date, time and place of the meeting.
- 1.3.5. The Academy will seek to arrange a convenient time and date for the review hearing. However, where two attempts have been made to schedule a convenient hearing and it has not been possible to accommodate you, the Complaint Review Panel reserves the right to conduct the hearing in your absence and on the basis of the written evidence submitted by you. This is intended to ensure that your complaint is considered promptly and to avoid unnecessary delays.
- 1.3.6. You will be asked whether you wish to provide any further written documentation in support of your appeal. This should be submitted at least three days prior to the hearing.
- 1.3.7. You are entitled to attend the Panel hearing, and be accompanied. You should inform the Academy in advance if you intend to bring anyone to the hearing.
- 1.3.8. If it is necessary in the interests of ratifying the investigative process, the complaint investigator may, with the agreement of the Chair of the Panel, invite relevant witnesses directly involved in matters raised by you to attend the meeting.
- 1.3.9. As a general rule, no evidence or witnesses previously undisclosed should be introduced into the meeting by any of the participants. If either party wishes to do so, the meeting will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.

1.3.10. The appeal procedure is as follows:

- 1.3.10.1. You and the Investigating Officer will enter the hearing together.
- 1.3.10.2. The Chair of the Panel will introduce the panel members and outline the process.
- 1.3.10.3. You will be asked to explain why you are dissatisfied with the Stage One investigation. The original complaint will **not** be re-heard by the panel and this will be made clear by the Chair at the start of the hearing. The remit of the panel is to review the way the complaint has been investigated and handled by the Investigating Officer to ensure it was done fairly and objectively. In doing so they will take into account any evidence submitted by you following your receipt of the Investigating Officer's report. You should submit any additional information in line with section 1.3.6.
- 1.3.10.4. The Investigating Officer and panel may question you.
- 1.3.10.5. The Investigating Officer will explain the process of investigation that led to the conclusions of his/her report.
- 1.3.10.6. You and the panel may question the Investigating Officer.
- 1.3.10.7. The Investigating Officer will be invited to make a final summation.
- 1.3.10.8. You will be invited to make a final summation.
- 1.3.10.9. The Chair will explain that both parties will hear from the panel within five school days.

1.3.11. The panel can:

- 1.3.11.1. dismiss the complaint in whole or in part;
- 1.3.11.2. uphold the complaint in whole or in part;
- 1.3.11.3. decide on the appropriate action to be taken to resolve the complaint; or
- 1.3.11.4. recommend changes to the Academy's systems or procedures to ensure that problems of a similar nature do not recur.

1.3.12. The panel will inform you and the Academy of their decision within **three school days**.

1.3.13. If you are still not satisfied with the decision, you can refer the matter to the Education & Skills Funding Agency (Stage Three).

1.4. Stage Three – Referral to the Education & Skills Funding Agency

1.4.1. The Education Funding & Skills Agency will consider a complaint if it falls into one of the following areas:

- 1.4.1.1. undue delay or where the Academy did not comply with this policy when considering a complaint;
- 1.4.1.2. where the Academy is in breach of its funding agreement with the Secretary of State; or
- 1.4.1.3. where the Academy has failed to comply with any other legal obligation, unless there is another organisation better placed to consider the matter.

1.4.2. You can contact the Education & Skills Funding Agency:

1.4.2.1. at www.education.gov.uk/help/contactus/dfe; or

1.4.2.2. by post: Ministerial and Public Communications Division
Piccadilly Gate
Store Street
Manchester
M1 2WD

- 1.4.3. Please enclose with your letter to the Education & Skills Funding Agency a copy of the complaint outcome. This will save time in that the Education & Skills Funding Agency will not need to ask for our view of what has happened.
- 1.4.4. We would advise you that, unless an Academy is shown to have behaved unreasonably or not to have followed their own procedures, there is likely to be little further action that can be taken, as Local Governing/Advisory Boards are empowered to deal with many issues without reference to either the local authority or the Secretary of State.

2. RECORD OF COMPLAINT

- 2.1. The Principal or Chair of Governors will keep a record of your complaint, including records of meetings and interviews held in relation to it, and the Academy's decision.
- 2.2. The Trustee Board and relevant Local Governing/Advisory Board will be informed of any complaint which reaches Stage Two of the process.
- 2.3. 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 2008 Act requests access to them.

3. UNREASONABLE COMPLAINT

- 3.1. Leodis Academies Trust is committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who complain. Principal and/or Local Governing/Advisory Boards will take complaints seriously and will do everything possible to address and resolve the complaint, including considering the complaint through the full scope of the complaints procedure, on occasion, there may be a justifiable case for formally closing the complaint deemed unreasonable.
- 3.2. Leodis Academies Trust defines unreasonable complaints, also defined as 'vexatious', 'persistent', 'habitual', 'protracted' or 'serial', as those who, because of the frequency or nature of the contact with the school, hinder the consideration of this or other people's complaints. Further details can be found in Appendix 4.
- 3.3. We do not normally limit the contact complainants have with the school. However, we do not expect staff to tolerate unacceptable behaviour and will take action to protect staff from behaviour, including that which is abusive, offensive or threatening.
- 3.4. In addition, there may be rare occasions when, despite all stages of the procedures having been followed, you remain dissatisfied. If you try to re-open an issue which has already been dealt with under this policy, the Chair of the Governing/Advisory Board for the Academy will inform you of the Academy's position in writing that the procedure has been exhausted and the matter is closed. Where further correspondence is received on the same matter, this may be considered vexatious and there will be no obligation on the part of the Academy to respond.

4. SPECIAL CIRCUMSTANCES

- 4.1. If the complaint suggests that a child has been at risk of significant harm, for example through physical abuse/violence, emotional abuse, sexual abuser/interference or neglect, it may be referred without further notice to the Local Authority Designated Officer (LADO), Children's Social Care and/or the social services authority for the area in which the child lives.

- 4.2. If a social services authority decides to investigate a situation, this may postpone or supersede investigation by the Principal or Local Governing/Advisory Board.

CONTACT DETAILS**East Ardsley Primary Academy**

Mrs J Wigglesworth	EYFS Phase Leader
Miss T Holdsworth	Key Stage 1 Phase Leader
Mrs L Walker	Lower Key Stage 2 Phase Leader
Miss H Matthews	Upper Key Stage 2 Phase Leader
Mrs C Lynch	Vice Principal
Mrs S Hirst	Deputy Principal
Mrs S Talbot	Principal
Mrs N Hargreaves/Mr S Wilkinson	Co-Chair of Governors

Hill Top Primary Academy

Mrs J Lancaster	Vice Principal
Mrs K Hyams	Principal
Mrs E Shadbolt	Chair of Governors

Westerton Primary Academy

Class teachers	
Mrs A Salter	Phase Leader EYFS
Mrs L Downes	Phase Leader KS1 & Y3
Mr T Pool	Phase Leader KS2 Y4 – Y6
Mr T Pool	Second Vice Principal
Miss A Booth	Vice Principal
Mrs A Lazarus	Deputy Principal
Mrs S Makin	Principal
Mr T Grayson	Chair of Governors

Woodkirk Academy

Mr A Lazarus	Year Tutor – Year 7
Mr D Watson	Year Tutor – Year 8
Mr A Smith	Year Tutor – Year 9
Mr N Smith	Year Tutor – Year 10
Mr S McIntyre	Year Tutor – Year 11
Mr R Ellis	Year Tutor – Years 12 & 13
Mr N Cook	Vice Principal (Behaviour & Safety) – Years 7 to 9
Mr D Currie	Vice Principal (Behaviour & Safety) – Years 10 and 11
Mr J Lowe	Vice Principal (Quality of Education Key Stage 3)
Mr R Jackson	Vice Principal (Quality of Education Key Stage 4)
Mr M Warwick-Giles	Vice Principal (Quality of Education Key Stage 5)
Mrs J Barton	Principal
Mr T Jones	Associate Principal
Mr R Aiston	Chair of Governors

Blackgates Primary Academy

Mrs J Coulson	Principal
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Academy	
Relationship with Academy (for example, parent)	
Student(s) name(s) (if relevant to your complaint)	
Your address	
Telephone number	
Email	
Details of complaint (including dates, names of witnesses if applicable) <div style="text-align: right; margin-top: 20px;"> <i>Please continue on additional sheets if necessary</i> </div>	
What action, if any, have you already taken to try and resolve your complaint – who have you spoken to or written to, and what was the outcome?	

What actions do you feel might resolve the problem at this stage?	
If you are attaching any paperwork please give details?	
Signature:	Date:
Official use Date acknowledgement sent: By who: Complaint referred to: Date:	

EXAMPLE LETTERS

In the case of a complaint against the Principal

Stage One

I have received your complaint against the Principal.

I write to let you know that I have forwarded a copy of your complaint to the Principal with a request that they respond within ten school days to the issues raised in the complaint.

A copy of the Principal's response will be sent to you as soon as possible.

If you are not satisfied with the Principal's response, I will arrange for a Complaint Review Panel to consider your complaint in accordance with Stage Two of the attached complaint procedure.

As explained in the procedure, the Clerk/Chair of the Complaint Review Panel will let you know in writing how the complaint will proceed.

Yours sincerely

Chair of the Governing/Advisory Board

An example of a letter that the Chair of the Governing/Advisory Board may wish to send to the complainant upon receipt of a complaint at Stage Two for consideration by the Local Governing/Advisory Board.

Stage Two

Dear

Thank you for your letter dated setting out the reasons why you are not satisfied with the Principal's response to your complaint about

I write to let you know that I will be arranging for a Complaints Review Panel to consider your complaint in accordance with our school's complaint procedure.

You will be notified within at least five working days of the date and time of this review panel. Details of the procedure can be found in the Complaint Policy.

Unreasonable Complaints (Protracted, persistent or serial complaints)

Leodis Academies 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. 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.

Leodis Academies 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.”*

For the purposes of this policy, an unreasonable complainant is someone whose behaviour is characterised by:

- 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 process outlined in the ‘Formal Complaints Procedure’ while still wishing their complaint to be resolved.
- Refuses to accept that certain issues are not within the scope of the ‘Formal Complaints Procedure’. Insists on the complaint being dealt with in ways which are incompatible with the ‘Formal 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 a large number of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales.
- Makes unjustified complaints or contains personally offensive remarks 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).
- Repeatedly makes submissions with only minor differences after the complaint has been fully addressed
- Refuses to accept the findings of the investigation into the complaint where the school’s ‘Formal Complaints Procedure’ has been completed including, where appropriate, 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 either 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
- With the intention of causing disruption or inconvenience
- 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 Principal or Chair of Governors will discuss, either in person or in correspondence, any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Principal will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. In some instances, it will be appropriate for the letter to come from our legal advisers.

For complainants who excessively contact any Academy within Leodis Academies Trust causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a written 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 any Academy within Leodis Academies Trust.

Barring from the school premises:

Although fulfilling a public function, our school is a private place and the public has no automatic right of entry. We therefore act to ensure we remain a safe place for students, staff and other members of our community.

If a complainant or parents behaviour is a cause for concern they will be asked to leave school premises. In serious cases the Principal will notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any written representation that they wish to make.

The decision to bar will be reviewed upon receipt of any representations made and will either be confirmed or lifted. Any decision will be notified in writing with an explanation of how long the bar will be in place.

Should anyone wish to complain about being barred they can do so via letter or email to the Principal or Chair of Governors of the individual Academy.