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|  | Complaints Policy and Procedure |
| Committee: | CEO |
| Approved: | Sep 2018 |
| Review: | Sep 2021 |

Introduction

LEO Academy Trust aims to meet its statutory obligations when responding to complaints from parents of pupils at the school, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality Treat complainants with respect
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes
- We try to resolve concerns or complaints by informal means wherever possible.

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 ensure we publicise the existence of this policy and make it available on the school website.

This policy may be used by:

- A parent whose child attends or who has recently left a LEO Trust
- Members of the public or other organisations
- A Governor, Trustee or Member about a member of staff at an Academy or in the central MAT team
- A member of staff against an individual staff member, Governor, Trustee or Member
- A stakeholders for Data Protection and Freedom of Information related matters

This policy is not intended to apply to concerns or complaints related to certain aspects of the MAT's work as these are covered under separate policies and procedures, e.g. child protection & safeguarding, admissions.

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

The Trust and its Academies will aim to give the complainant the opportunity to complete the complaints procedure in full.

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

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. It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on creating a complaints procedure that complies with the above regulations, and refers to good practice guidance on setting up complaints procedures from the Department for Education (DfE).

This Policy complies with our Funding Agreement and Articles of Association.

In addition, it addresses duties set out in the Early Years Foundation Stage statutory framework with regards to dealing with complaints about the Trust's fulfilment of Early Years Foundation Stage requirements.

Definitions and scope

DfE guidance explains the difference between a concern and a complaint.

A concern is defined as "an expression of worry or doubt over an issue considered to be important for which reassurances are sought".

The Trust will resolve concerns through day-to-day communication as far as possible.

A complaint is defined as "an expression of dissatisfaction however made, about actions taken or a lack of action".

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

Concerns:

The Trust expects that most concerns and difficulties, where a parent or student seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Examples might include dissatisfaction about some aspect of teaching or pastoral care, allocation of privileges or responsibilities, an issue with the Trust's systems or equipment, or a billing error.

Notification:

The concern or difficulty regarding a child should be raised as follows in order:

1. Class teacher
2. Manager
3. SL
4. Chair of Governors

The concern against a member of staff or Governor or trustee or member would be raised as follows;

Staff – Headteacher

Central Team – CFO or COO as appropriate
Headteacher or Governor – Chair of Governors
Chair of Governors/CFO/COO – CEO
CEO/Trustee – Chair of Trust
Chair of trust - Members

Academy Financial, premises and administrative matters :

1. Office staff
2. SBM
3. DHT or HT
4. Chair of Governors

DP & FoI requests

- 1 SBM
2. HT
3. CFO

An issue with a specific member of staff – often, the best way to resolve an issue with a specific member of staff is to raise it with that member of staff directly, so that they are given the opportunity to address and resolve the concern or difficulty before it becomes a formal complaint. If the Complainant feels uncomfortable doing this, however, the issue should be raised with a Senior Manager.

Should a concern or difficulty be raised with a member of staff who feels that they are not the best person to be dealing with it, this will be discussed with the Headteacher.

If a concern or difficulty is raised with a member of staff who feels that it raises serious issues which should be dealt with as a formal complaint immediately, the member of staff will refer to a Senior Manager.

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

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

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage. Although every effort

will be made to comply with these time limits, it may not always be possible to do so, for example due to the complexity or number of matters raised and where further investigations are necessary. Where new time limits will be set, the complainant will be sent details of the new deadline with an explanation for the delay.

The Trust expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

Complaints about our fulfilment of Early Years requirements. A Senior Manager will investigate all written complaints relating to the Academy's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 school days of receiving the complaint. The Academy will send a copy to the CEO and will keep a record of the complaint (see section 9) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the Trust is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 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 Academy 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.

Stages of complaint (not complaints against a Headteacher, Governor, etc.)

Stage 1: Informal The Trust will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue. The complainant should raise the complaint as soon as possible with the relevant member of staff or the Headteacher, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the Trust office.

The Trust will acknowledge informal complaints within 5 school days, and investigate and provide a response within 10 school days.

The informal stage will involve a meeting between the complainant and the Headteacher or deputy Headteacher and the subject of the complaint, if appropriate.

If the complaint is not resolved informally, it may be escalated to a formal complaint.

Stage 2: Formal The formal stage involves the complainant putting the complaint into writing, email or in person. This 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.

The Academy will acknowledge the complaint within 5 school days. An appointed person will then conduct their own investigation. Depending on the nature of the complaint a Senior Manager may invite the complainant to a meeting to discuss their concern further and obtain additional information or clarify the resolution they are seeking.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure Stage 3, they should inform the Academy within 10 school days of receipt

of the outcome clearly setting out how and why they do not accept the findings made under Stage 2. The complainant should not repeat matters raised in their original letter or meeting, or attach documentation already provided. Furthermore, the complainant should not introduce any new complaint, trivial or irrelevant information which the complainant expects to be taken into account and commented on or raise large numbers of detailed but unimportant questions.

Stage 3: Review Panel Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.

The Academy will acknowledge the complaint within 10 school days (and inform the complainant of the names of the Complaint Panel members. If the complainant objects to any of the named persons being appointed to the Complaint Panel, they should notify the Clerk to the Local Governing Body within 5 school days of receipt of the letter. Fair consideration will be given to any bona fide objection to a particular member of the Complaint Panel).

The panel will be appointed by or on behalf of the Trust and must consist of at least 3 Governors who were not directly involved in the matters detailed in the complaint.

The panel will have access to the existing record of the complaint's progress (see section 9). The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant and this will usually take place within 20 days of receipt of the complainant's request. At the review panel meeting, the complainant and representatives from the Trust, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish. For the avoidance of doubt, the complainant's supporter will be present for moral support only and will not play any part in the proceedings, unless invited to do so by the Chair of the Complaint Panel, entirely at his/her own discretion. It is not appropriate for either the complainant or the Trust to be legally represented.

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

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

The Complaint panel will then convene in private immediately after or on a subsequent date and will consider all the documentation and everything heard at the Panel Hearing.

The panel must then put together its findings and recommendations from the case. It will decide which facts are established to be true, on a balance of probabilities. If a fact is not deemed relevant, the panel will not consider it further. The panel will send an outcome letter with a copy of the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint and the Trust's representative. A copy will be made available on the Trust's premises for inspection by the Trust.

The Trust will inform those involved of the decision in writing within 20 school days of the

meeting.

Complaints against the Headteacher

Complaints made against the Headteacher should be directed to the Chair of Governors and will be investigated using the same process as Stage 2.

The complaint will be acknowledged within 5 school days. The Chair of Governors (or other person appointed by the Chair of Governors for this purpose) will then inform the CEO and then conduct their own investigation. Depending on the nature of the complaint, the Chair of Governors may invite the complainant to a meeting to discuss their concern further and obtain additional information or clarify the resolution they are seeking. The written conclusion of this investigation will be sent to the complainant within 20 school days.

Alternative Contacts for Specific Circumstances

There are additional levels of governance who assume responsibility under specific circumstances for Stage 2 of this Policy.

Specifically:

- Where the complaint relates to the Chief Executive Officer, or a Trustee or a Member, the Chair of the Trustees assumes responsibility.
- Where the complaint relates to a governor, the Chair of the Local Governing Body assumes responsibility.
- Where the complaint relates to the Chair of the Trust Strategic Governing Body, the Chair.

For complaints to be addressed to the Chair of the Board of Trustees, please contact the Company Secretary via:

- Email: Shan Moylan smoylan@leoacademytrust.co.uk
- Post: Shan Moylan Company Secretary. LEO Academy Trust, C/O Cheam Common Junior Academy, Kingsmead Avenue, Worcester Park, Surrey. KT4 8UT. The complaint will be acknowledged within 5 school days. The Chair of Trustees (or other person appointed by the Chair of Trustees for this purpose) will then conduct their own investigation. Depending on the nature of the complaint, the Chair of Trustees may invite the complainant to a meeting to discuss their concern further and obtain additional information or clarify the resolution they are seeking. The written conclusion of this investigation will be sent to the complainant within 20 school days.

8. Referring complaints on completion of the Trust's procedure If the complainant is unsatisfied with the outcome of the Trust/Trust's 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. The ESFA will not overturn a Trust's decision about a complaint.

However, it will look into:

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

If the Trust did not deal with the complaint properly, it will be asked to re-investigate the complaint. 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>

Persistent complaints

Where a complainant tries to re-open the issue with the Trust after the complaints procedure has been fully exhausted and the Trust has done everything it reasonably can in response to the complaint, the chair of governors (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the Trust again about the same issue, the Trust can choose not to respond. The normal circumstance in which the Trust/Trust will not respond is if:

- The Trust has taken every reasonable step to address the complainant's needs, and
- The complainant has been given a clear statement of the Trust's position and their options (if any), and
- The complainant is contacting the Trust repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

The Trust will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the Trust with the intention of causing disruption or inconvenience, and/or
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- The individual makes insulting personal comments about, or threats towards, Trust staff
- Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the Trust has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The Trust will ensure when making this decision that complainants making any new complaint are heard, and that the Trust acts reasonably.

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

Physical or verbal aggression

The Trust will not tolerate **any** form of physical or verbal aggression against members of the trust community. If there is evidence of any such aggression the Academy may:

- ban the individual from entering the school site, with immediate effect;

- request an Anti-Social Behaviour Order (ASBO);
- take legal advice on pursuing a case under Anti-Harassment legislation;
- call the police to remove the individual from the premises, under powers provided by the Education Act 1996.

The Trust expects anyone who wishes to raise concerns with the school to:

- treat all members of the school community with courtesy and respect;
- respect the needs of pupils and staff within the school;
- avoid the use of violence, or threats of violence, towards people or property;
- avoid any aggression or verbal abuse;
- recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to a complaint;
- recognise that resolving a specific problem can sometimes take time;
- follow the school's complaints procedure (and for staff members to follow the appropriate internal staff procedure).

Emails which do not follow the above will be returned by the office with;

we always want to listen and consider everyone's thoughts and opinions although we recognise that we can't always please everyone. Please ensure concerns are shared respectfully. To enable us to respond to your concern please can you remove any derogatory or personal remarks regarding members of staff and resend.

Record-keeping

The Academy will record the progress of all formal complaints, 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 under the terms of Data Protection Legislation, or where the material must be made available during an Trust inspection.

A full written record will be maintained centrally at the Academy of all formal complaints.

Records of concerns, difficulties or complaints will be destroyed when the student to which they relate reaches the age of twenty-four years or, in the case of a student with a statement of special educational needs, until the student reaches the age of thirty years.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board 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, the Trust will (where reasonably practicable) arrange for an independent panel to hear the complaint. Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.

Learning lessons

The Chair of Governors will review any underlying issues raised by complaints with the Headteacher, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the Trust can make to its procedures or practice to help prevent similar events in the future.

The Chair of Governors will inform the Chair of Trustees and Executive Management Team of any proposed changes to procedures or practices.

12. Monitoring arrangements

The Chair of Governors and Board of Trustees will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Clerk to the Governing Body will track the number and nature of complaints, and review underlying issues as stated in Section 10.

The complaints records are logged and managed by the Clerk to the Governing Body and Company Secretary.

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| What actions do you feel might resolve the problem at this stage? | |
| | |
| Are you attaching any paperwork? If so, please give details. | |
| | |
| Signature: | |
| Date: | |

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| <i>Date Acknowledgement Sent:</i> | |
| <i>Name of Person Complaint Referred To:</i> | |
| <i>Signature:</i> | |
| <i>Date:</i> | |