



## Complaints Policy

### Aim of The Langley Academy Trust

To provide an outstanding education for every child in the trust through high aspirations and through the principles of quality learning using curiosity, exploration and discovery

### Principles

The Langley Academy Trust is committed to providing a first class education for its students and to working closely with parents/carers and other stakeholders in a spirit of partnership. We hope to be able to resolve any conflict with parents/carers without recourse to formal procedures but recognise that parents/carers and other stakeholders have the right to make formal complaints and to have these complaints taken seriously.

### Purposes

- To encourage resolution of problems by informal means wherever possible
- To have a simple complaints procedure that is easily accessible
- To establish a system where complaints are examined in an impartial manner
- To be non-adversarial
- To allow swift handling of complaints with established time-limits for action, keeping people informed of the progress
- To ensure a full and fair investigation by an independent person where necessary
- To respect people's desire for confidentiality
- To address all the points at issue and provide an effective response and appropriate redress, where necessary
- To provide information to the Trust so that services can be improved where required

### Guidelines

#### Dealing with Complaints

**Any concerns or complaints relating to a safeguarding issue should be made immediately directly to the Safeguarding Officer.**

#### Initial Concerns

We need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure does not in any way undermine efforts to resolve the concern informally. In most cases the class teacher or the individual delivering the service will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary and appropriate.

### **Formal Complaint Procedures**

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the Academy can be crucial in determining whether the complaint will escalate.

When initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further the formal procedures will need to be invoked.

The member of staff with responsibility for the operation and management of the Academy complaints procedure is each Academy's Complaints Co-ordinator which is normally the HR Manager or can be in the case of the Primary Academies, the Head of Phase if that is deemed more appropriate.

### **STAGE ONE: Complaint Heard by Staff Member**

To initiate the formal complaint procedure the complaint has to be sent, in writing, to the Complaints Co-ordinator. He/She will appoint a member of senior staff to investigate the complaint made. The Trust will respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases the Complaints Co-ordinator can refer the complainant to another staff member. Where the complaint concerns the Executive Principal or Headteacher, the Complaints Co-ordinator will refer the complainant to the appropriate Chair of Governors. Where the complaint concerns the complaints co-ordinator, it will be referred to Executive Principals' PA.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Complaints Co-ordinator may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a Governor/Trustee, he/she should refer the complainant to the Complaints Co-ordinator and advise them about the procedure. Governors must not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

An acknowledgement of the complaint will be given within 5 working days of its receipt. The acknowledgement will give a brief explanation of the Trust's complaints procedure and will give a target date for providing a response which should normally be within 10 working days (as defined during term time). If this target cannot be met, the complainant will be informed within 10 working days explaining the reason for the delay and providing a revised target date, and a record of this should be kept.

## **Investigating Complaints**

At each stage the person investigating the complaint will make sure that they:

- establish what has happened so far, and who has been involved
- clarify the nature of the complaint and what remains unresolved
- meet with the complainant or contact them (if unsure or further information is necessary)
- clarify what the complainant feels would put things right
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- conduct the interview with an open mind and be prepared to persist in the questioning
- keep notes of the interview

## **Resolving Complaints**

At each stage in the procedure the Trust will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may sometimes be appropriate to offer one or more of the following:

- an apology
- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that the event complained of will not recur
- an explanation of the steps that have been taken to ensure that it will not happen again
- an undertaking to review Trust policies in light of the complaint

Complainants will be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the Trust could have handled the situation better is not the same as an admission of negligence.

The investigation procedure will identify areas of agreement between the parties. It will also clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

Should the complainant feel that the matter has not been resolved following this process, the complaint will then be referred to Stage Two.

## **STAGE TWO: Complaint Heard by Executive Principal or Headteacher**

The Executive Principal/Headteacher's influence will already have shaped the way complaints are handled in each of the Academies but our intention is that the Trust's ethos is supported through following Stage One. However, we have to recognise that at this point, the complainant may be dissatisfied with the way the complaint was handled at Stage One as well as pursuing their initial complaint.

The Executive Principal/Headteacher will examine the complaint in the manner outlined above taking account of what has already been done in Stage One. They may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

A record of all communications will be kept.

An investigation will take place as soon after the complaint as is practicably possible. The Executive Principal/Headteacher will then make a decision regarding the case and will meet with the complainant to try to resolve the issue.

The result of the investigation will be communicated in writing to the complainant. The response will contain an outline of the complaint and the outcome of the investigation and any subsequent action. It will also inform the complainant that if they are not satisfied, to make representation to the Chair of Governors within 25 working days.

If no further communication is received from the complainant within 25 working days, it should be assumed that the complaint has been resolved and should subsequently be laid to rest. Paperwork relating to any concern or complaint will be kept on file for a period of 6 years.

### **STAGE THREE: Complaint Heard by Governing Body Complaints Appeal Panel**

Where following the involvement of the Executive Principal/Headteacher, the complainant is still not satisfied, or where the complaint involves the Executive Principal/Headteacher, the complainant should write to the Chair of Governors, c/o The Clerk to the Trust, giving details of the complaint. The Chair, or Vice-Chair, will convene a Governing Body complaints panel of 3 Governors and/or Trustees, none of whose members will have been directly involved in previous consideration of the complaint. One of the members of the panel must be independent of the daily management and running of the Academy involved.

The Governors' appeal hearing is the last Academy-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

If a written complaint is received by the Chair of Governors then:

The complaint will be acknowledged within 5 working days (as defined in term time) informing the complainant that a panel of 3 Governors/Trustees will sit within 20 days to hear the complaint. The letter should also explain that the complainant has the right to submit further documents relevant to the complaint. These must be received at least 5 working days before the date of the hearing to allow adequate time for the documents to be circulated to the 3 representatives.

The Clerk to the Trust should request that the Chair of Governors convenes a Governors' Complaints Appeal Panel which is elected from the members of the Governing Body and Trustee Board. It may be necessary for the Governing Body to appoint reserves to this panel to ensure that 3 governors are able to carry out their functions in the set time scales.

The Chair/Vice Chair will write and inform the complainant, Executive Principal/Headteacher, any relevant witnesses, and members of the panel, at least 5 working days (as defined by term time) in advance of the date, time and place of the meeting. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/advocate/interpreter. The letter will also explain how the meeting will be conducted.

It is the responsibility of the Chair of the Governors Complaints Appeals Panel to ensure that the meeting is properly minuted.

## **The Remit of the Complaints Appeal Panel**

The panel has the authority 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 Trust's systems or procedures to ensure that problems of a similar nature do not recur

There are several points which any Governor/Trustee sitting on a complaints panel needs to remember:

- It is important that the appeal hearing is independent and impartial and that it is seen to be so. No Governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, Governors/Trustees will try and ensure that it is a cross-section of the categories of Governor/Trustee and sensitive to the issues of race, gender and religious affiliation.
- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the Academy and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- The panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents/carers often feel emotional when discussing an issue that affects their child, and may choose to be accompanied. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care will be taken to ensure the setting is informal and not adversarial.
- Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

## **Roles and Responsibilities**

### **The Role of the Clerk**

The Governing Body Complaints Appeals Panel will be clerked. The Clerk will be the contact point for the complainant and be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible
- collate any written material and send it to the parties in advance of the hearing
- meet and welcome the parties as they arrive at the hearing
- record the proceedings
- notify all parties of the panel's decision

## **The Role of the Chair of the Governing Body or the Nominated Governor/Trustee**

The Nominated Governor role will:

- check that the correct procedure has been followed
- if a hearing is appropriate, notify the Clerk to arrange the panel

## **The Role of the Chair of the Panel**

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption
- the issues are addressed
- key findings of fact are made
- parents/carers and others who may not be used to speaking at such a hearing are put at ease
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy
- the panel is open minded and acting independently
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- each side is given the opportunity to state their case and ask questions
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it

## **Notification of the Panel's Decision**

The Chair of the Panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this is usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

## **Vexatious Complaints**

The complaints procedure will limit the number of complaints that become protracted. However, there may be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

## **Recording Complaints**

The Trust will record the progress of the complaint and the final outcome. A formal complaint should be made in writing. A complaint form is included as an appendix.

The Complaints Co-ordinator, normally the Human Resources Manager, is responsible for the records and will hold them centrally.

All correspondence, and statements and records of complaint must be kept confidential. Copies must also be made available to the Registration Authority on request.

## **Governing Body Review**

The Governing Body 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 information shared with the whole Governing Body will not name individuals.

As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to Trust improvement. When individual complaints are heard, Academies may identify underlying issues that need to be addressed. The monitoring and review of complaints by the Academy and the Governing Body can be a useful tool in evaluating an Academy's performance.

### **Checklist for a Panel Hearing**

The panel needs to take the following points into account:

- The hearing is as informal as possible
- Witnesses are only required to attend for the part of the hearing in which they give their evidence
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses
- The Executive Principal/Headteacher may question both the complainant and the witnesses after each has spoken
- The Executive Principal/Headteacher is then invited to explain the Academy's actions and be followed by the Academy's witnesses
- The complainant may question both the Executive Principal/Headteacher and the witnesses after each has spoken
- The panel may ask questions at any point
- The complainant is then invited to sum up their complaint
- The Executive Principal/Headteacher is then invited to sum up the Academy's actions and response to the complaint
- Both parties leave together while the panel decides on the issues
- The chair explains that both parties will hear from the panel within 5 working days as defined in term time.

## Appendix A

The Langley Academy Trust

### Complaint form

Please complete and return to ..... (Complaints Co-ordinator) who will acknowledge receipt and explain what action will be taken.

Your name:
Child's name (if applicable):
Your relationship to the child (if applicable):
Address:  Postcode: Day time telephone number: Evening telephone number:
Please give details of your complaint.
What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)?
What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.
Signature:
Date:
Official use
Date acknowledgement sent:
By who:
Complaint referred to:
Date:

**Previous ratified date: March 2013**  
**Review Date: February 2016**  
**Ratified Date: February 2016**  
**Date of next review: February 2019**