

**Complaints Policy and Procedures**

**1 Introduction**

**The Lincolnshire Educational Trust (LET) takes very seriously any concern or complaint about the education or other services we provide or about the conduct of our staff. We believe that by tackling concerns at the earliest possible stage it allows us to improve relationships, enhance learning, prevent issues escalating and reduce the number of formal complaints we receive.**

Legally, all schools, Academies and Trusts must have a complaints policy that deals with the handling of complaints from the parents/carers of children and young people in our academies.

This policy and procedures meets the standards set out in the [Education (Independent School Standards) (England) Regulations 2014](http://www.legislation.gov.uk/uksi/2014/3283/schedule/made) Schedule 1, Part 7. and the Education Funding Agency (EFA) guidance.

The complaints policy will be used to consider any complaints about the Academy or Trust, except those which relate to the following areas, which have their own statutory procedures: Admissions, Exclusion of pupils, Special Education provision externally funded and Child Protection Allegations. In addition the Complaints Policy and procedures will not cover complaints that are, or have been, the subject of legal proceedings, or complaints being considered by the Secretary of State for Education under any statutory power.

In order to help parent/carers understand our policy and procedures we have defined two phases: Phase 1 a concern and Phase 2 a complaint.

Our definition of a concern is *“an expression of dissatisfaction made orally about any aspect of the Academy or Trust”.*Our definition of a complaint is *"an expression of dissatisfaction made in writing about the standard of service, actions or lack of action by the Academy or Trust affecting an individual or group".*

If a concern is expressed orally, we will try to resolve it using the procedures set out in phase 1 page 2 for dealing with concerns. If a complaint is made in writing, we will use the formal complaints procedure, set out in pages 2 to 4 starting at Stage 1, which can lead to Stage 3.

The Trust has delegated powers for dealing with concerns and complaints to individual academies, except in two specific cases:

1. If the complaint is about the Principal that complaint should be addressed to the Chief Executive Officer of the Trust at the University of Lincoln, Vice Chancellor’s Office, Brayford Pool, Lincoln. LN6 7TS.
2. If a panel is formed to investigate a formal complaint the Chair of the Trust Board will appoint an independent person to the panel.

If a complaint is made against the Lincolnshire Educational Trust that should be addressed to Chief Executive Officer of the Trust at the University of Lincoln, Vice Chancellor’s Office, Brayford Pool, Lincoln. LN6 7TS. The same form should be completed as making a complaint to an academy.

**2 The Lincolnshire Educational Trust’s principles for dealing with concerns and complaints.**

LET will:

* take all concerns and complaints seriously and deal with them as quickly as possible ensuring parents/carers informed of progress
* attempt to resolve concerns by informal means without the need to use formal complaints procedures
* deal with concerns or complaints in an impartial and non-adversarial manner, being fair, open and honest at all times
* seek to resolve any concern or complaint through dialogue and mutual understanding and, wherever possible, put the interests of the child or young person above all other issues
* provide sufficient opportunity for any concern or complaint to be fully discussed with all parties, and then resolved
* ensure a full and fair investigation of a complaint is undertaken by a person who has not been directly involved in the matter
* address all the points at issue and provide an effective response and appropriate redress, where necessary
* respect people’s desire for confidentiality
* use the outcome of a complaint to reflect on the services provided by the Academy/Trust so, if necessary, they can be improved.

**3 Phase 1 - Dealing with concerns**

We recognise that parents and carers will, from time to time, have normal and legitimate concerns about the progress, achievement, behaviour or welfare of their child, or about other matters connected with the Academy. We encourage parents and carers to make those concerns known to the relevant member of staff so that they can be addressed in partnership with the Academy. Almost invariably, the sooner such concerns are raised, the easier it is for an appropriate resolution to be found.

A concern or complaint may be raised with any member of staff. For parents/carers, this would normally be your child’s tutor, teacher or Head of Year (or equivalent) and for others this would normally be the Academy Principal or Vice Principal. That person will try and resolve the matter or will refer you to the appropriate person. Many concerns are resolved immediately but, if this is not possible, a member of staff will respond to you within **five** working days.

The member of staff will make a written record of the concern that was raised and the date on which it was received. If the matter cannot be resolved within five working days you will be informed why; this will usually mean exceptional circumstances will have occurred, e.g. member of staff is absent.

In the event that you are not satisfied and you feel you have exhausted the informal approach, you will be advised to proceed to make a formal complaint using the proforma set out on page 6 of this policy.

**4. Phase 2 - Making a formal complaint**

Formal complaints should be brought to the attention of the Academy as soon as possible after the informal processes have been exhausted and you remain dissatisfied. A complaint made more than three months after the event complained of will not be considered, except in exceptional circumstances and at the discretion of the CEO.

A complaint must be made in writing by using the form in the complaints policy, a copy will be provided by the academy. Where a complainant feels they need at add a letter this may be attached. If the complainant has difficulty in completing the complaints form the Trust will provide assistance. Anonymous complaints will not be investigated, except in exceptional circumstances, as we are unable to respond to the complainant (these circumstances would include serious concerns such as child protection issues or bullying allegations, where the Academy is either required to involve appropriate external agencies or might conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation).

**Formal Complaints Procedure:**

**Stage 1**

* The complainant completes the complaints form and attaches any additional information if they wish and sends it to the Principal of the Academy.
* The Principal will acknowledge the complaint on receipt
* The Principal commissions an investigation usually by his own staff
* The Principal comes to a conclusion
* The Principal then writes to the complainant with the outcome within 15 working days\*. The Principal may choose to ask to see the complainant or speak to the complainant by telephone about their conclusion prior to the letter being sent. This must be done within the 15 working days.

Where the complaint relates to the Principal, the complaints form and attaches any additional information if they wish and sends it to the Chief Executive of the Lincolnshire Educational Trust in Lincoln. The Chief Executive Officer will follow the above procedure.

**Stage 2**

If the complainant is not satisfied with the outcome of the first stage, they may request that the Chief Executive Officer of the Trust consider the complaint. Such a request should be in writing to the Trust head office in Lincoln.

* The Chief Executive Officer will acknowledge the request on receipt
* The Chief Executive Officer will review the matter and comes to a conclusion
* The Chief Executive Officer then writes to the complainant with the outcome within 15 working days\*.

**Stage 3**

If the complainant is not satisfied with the outcome of the first and second stage, the complainant may request that the complaints panel consider the complaint. This panel will comprise of two members of the academy governing body not involved in the case and nominated by the Chief Executive Officer, plus an independent person of the management and running of the academy will be appointed by the Trust.

* To request the engagement of the third stage the complainant must make the request in writing to the Chief Executive Officer of the Trust within 10 working days of the response to stage 2 being sent. In the letter requesting the use of a stage 3 (The Panel) the complainant must set out briefly the reasons why they are dissatisfied with the response to the stage 2. The request should be addressed to the Chief Executive Officer of the Trust at the University of Lincoln, Vice Chancellor’s Office, Brayford Pool, Lincoln. LN6 7TS.
* The Chief Executive Officer will acknowledge the request for the stage 3 (The Panel). The Chief Executive Officer will seek information whether you want to make a personal presentation to the Panel or whether you wish to submit additional information. If you chose to attend the panel one person may accompany you as a ‘friend’ and can act as advocate. At the start of the Panel meeting the Chair will ask in which role the person will be acting.
* The Chief Executive Officer will arrange a meeting as soon as possible to hear the case and within 15\* working days of the receipt of the request.
* The panel will listen to and/or read the reasons for the panel meeting and there will be some questioning by the Panel.
* Following the panel meeting the panel will adjourn to come to a conclusion
* The Chair of the Panel will then writes to the complainant with the outcome and any recommendation for improving that aspect of work within the academy within 10 working days\* of the panel meeting.
* The matter is then considered by the Lincolnshire Educational Trust to be closed.

The complainant may well still be not satisfied in such cases they should go to the EFA website and seek the [schools complaints form](https://form.education.gov.uk/fillform.php?self=1&form_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1) which will then be handled by the government officials.

*\* In exceptional circumstances it may not be possible to conclude the investigation within the 15 days, for example the need to obtain expert advice, staff absence or referral to other agencies. In such cases the Principal must inform the complainant and Chief Executive Officer in writing giving the reasons for the delay.*

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**Background Notes**

**Confidentiality**

All complaints will be treated as confidential. Only those members of staff concerned with investigating the complaint will have access to documentation relating to the complaint. No confidential information regarding the investigation will be made available publicly. However, it should be noted that if any action taken by a member of staff is the subject of a complaint, then that person should be advised of the complaint made against them.

**Investigating the Complaint**

The Principal or Chief Executive Officer may delegate the investigation to an appropriate senior member of staff who has no connection with the complaint, but the resolution of the complaint and a decision about any action to be taken rests with the Principal or Chief Executive Officer

The person/s investigating the complaint must make sure that they:

* clarify the nature of the complaint and what remains unresolved
* establish what has happened so far, and who has been involved
* meet with the complainant if the complainant requests a meeting
* meet with the complainant or contact them (if clarification or further information is necessary)
* ascertain what the complainant feels would put things right
* maintain an open mind
* conduct the investigation, analysing any relevant documents and interviewing those who may be involved and allowing them to be accompanied if they wish
* keep written records of the investigation.

The Academy or Lincolnshire Educational Trust will retain written records of all of the parts of investigation at each stage, including notes of all meetings, interviews, discussions and telephone calls, in case the complaint is taken further.

**Resolving the Complaint**

At each stage in the procedure the Academy or Lincolnshire Educational Trust will keep in mind ways in which a complaint can be resolved. It may be sufficient to acknowledge that the complaint is upheld in whole or in part. Alternatively, the complaint may not be upheld, and this may be because there is insufficient evidence to substantiate the complaint. To support the resolution, it will usually be appropriate to offer one or more of the following:

•  an apology (which does not imply liability)

•  an explanation (especially where the complaint is not upheld)

•  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 recur

* an undertaking, if necessary, to review policies or procedures in light of the complaint.

Where, as a result of the complaint, the Academy or Lincolnshire Educational Trust takes actions that are themselves confidential, it may be necessary to inform the complainant that the matter has been fully investigated and that the appropriate procedures are being followed (for example where staff disciplinary procedures are being followed).

**Publication of the Complaints Policy**

The complaints policy will be available from the reception office on each Academy site. It is published on the Academy and Lincolnshire Educational Trust websites. It can also be acquired from Chief Executive of the Trust at the University of Lincoln, Vice Chancellor’s Office, Brayford Pool, Lincoln. LN6 7TS. The Trust will report annual the number of formal complaints made and summarise the outcomes.

**Review of Complaints Policy and Procedures**

The Lincolnshire Educational Trust is always seeking to improve in policies and procedures and so this document will be reviewed annually. The Board would welcome any suggestions.

**Vexatious Complaints**

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| Where the Lincolnshire Educational Trust considers that a complainant is carrying out unreasonably persistent complainant behaviour, for example making unduly frequent and/or repeated complaints, the Trust will be entitled to take such action as it thinks appropriate to manage such behaviour. This may include (but is not limited to) placing limits on contact with staff or opting not to invoke the complaints procedure further. Where such action is being considered by the Trust, the complainant will receive a written warning. Should the behaviour persist, the appropriate action will be determined proportionately in light of the nature of the behaviour in question and any other relevant circumstances.  |

**Lincolnshire Educational Trust - Complaint Form**

Please complete and return to Principal or Chief Executive Officer, who will acknowledge its receipt and explain what the next stage in the procedure will be.

Your name .................................................................................................................................

Pupil’s name if appropriate ....................................................................................................

Your relationship to the pupil ......................................................................................................

Address ..........................................................................................................................................................

Daytime telephone number ………………………… Evening telephone number ……………………

Email address ………………………………………………………….

Please provide concise details of your complaint including dates, names of witnesses, etc. You may attach addition information, if you do please give details and number of pages attached

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

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

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Signature:..............................................................................Date:......................................................

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**Official use only**

Date acknowledgement sent: / /20

By whom: ………………………………………...................................................................................
Investigation established: ……………………....................................................................................... Latest replied date: / /20