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# THE LINCOLNSHIRE EDUCATIONAL TRUST LTD

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## Complaints Policy and Procedures – effective from 2 October 2018

### 1 Introduction

The Lincolnshire Educational Trust (LET, referred to hereafter as the ‘Trust’) 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 addressing 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 academies. This policy and procedures meets the standards set out in the [Education \(Independent School Standards\) \(England\) Regulations 2014](#) Schedule 1, Part 7, and the Education and Skills Funding Agency (ESFA) guidance.

Our definition of a concern is “an expression of serious worry or doubt made 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".

In order to help parents/carers understand our Complaints Policy and Procedures, we have defined two phases: Phase 1 (a concern) and Phase 2 (a complaint).

If a **concern** is expressed, we will try to resolve it using the procedure set out in **Phase 1** below (‘Dealing with concerns’). It is expected that most issues will be resolved at this level. Although this phase is informal, parents will receive clear feedback and resolution of the issue and action taken. However, it is not the policy of the Trust to make public any actions taken against its staff.

If a **complaint** is made in writing, and the Academy/Trust considers it to be more than a concern, it will be addressed using the procedure set out in **Phase 2** below (‘Making a formal complaint’). Parents/carers will be informed that the complaint is being dealt with under this process.

The Trust would in most cases expect a concern or complaint to be dealt with in an informal manner between staff in the appropriate Academy and the parent/carer. The Trust’s policy is that the Principal of an Academy only investigates very serious cases, although they would be aware, through the management processes within each Academy, of every case. The Department for Education (DfE) guidance gives the Trust discretion to consider a complaint through the informal route; and it can, also after due consideration, re-classify a complaint as a concern. If a parent/carer has difficulty putting a complaint in writing, the Academy/Trust will help.

This Complaints Policy will be used to consider any complaint about an Academy or the Trust, except those which relate to the following areas, which have their own statutory procedures: Admissions, Exclusion of pupils, Special Education provision externally funded (for example by the local authority) and Child Protection Allegations. The Complaints Policy does 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.

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

- a. If a complaint is made about the Principal of an Academy, that complaint should be addressed to the Chief Executive Officer of the Trust (referred to hereafter as the 'CEO') c/o The Vice Chancellor's Office, University of Lincoln, Brayford Pool, Lincoln LN6 7TS. The CEO will decide how best to investigate the complaint.
- b. If a complaint is made against the Trust, that complaint should be addressed to the Chair of the Trust c/o The Vice Chancellor's Office, University of Lincoln, Brayford Pool, Lincoln LN6 7TS. The Chair will determine how best to investigate the complaint.

Where all routes within the Academy and Trust have been exhausted, a complainant has the right to refer a complaint to the Department for Education (DfE), Ofsted, or the Education and Skills Funding Agency (ESFA). The Chair of the Trust and/or CEO will be prepared to meet the complainant before a referral. If a complainant refers a complaint to any external body, the Academy/Trust is likely to stay or suspend any investigation and will await the outcome from the appropriate body. The complainant will be informed of any action to stay or suspend the complaint. If the matter is raised with the Local Authority Designated Officer (LADO) for safeguarding, the Academy/Trust will follow their advice regarding any investigation. The Trust will normally accept the findings of these other organisations. If it does not, it will set out the reasons, and will then continue the investigation. In such cases, the timescale will be dependent on the time taken by the external bodies to resolve the complaint.

## **2 Principles for dealing with concerns and complaints**

The Trust will:

- take all concerns and complaints seriously and deal with them as quickly as possible, ensuring that parents/carers are kept informed of progress
- attempt to resolve concerns by informal means without the need to use the formal Complaints Procedure
- 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 that, 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. The Academy will consider this an informal stage for addressing the concern.

A concern, worry or complaint may be raised with any member of staff. For parents/carers, this would normally be the child's tutor, teacher or Head of Year (or equivalent); for others, this would normally be the Principal or Vice Principal of the Academy. That person will try to resolve the

matter or will refer it to the appropriate person. Many concerns are resolved immediately but, if this is not possible, a member of staff will respond 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, the person raising the concern will be informed why; this will usually be because of exceptional circumstances, such as the absence of a member of staff. Following our response, if the matter is not pursued further by the parent/carer within ten working days, the Academy/Trust will consider the matter resolved.

In the event that the person raising a concern is not satisfied and feels that the informal approach has been exhausted, they will be advised to make a formal complaint using the Complaint Form at the end of this policy.

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

**The Trust expects that every attempt will be made to resolve a case informally before embarking upon a formal complaints process.** A formal complaint should be brought to the attention of the Academy as soon as possible after the informal process has been thoroughly exhausted. A complaint made more than three months after the incident in question will not be considered, except in exceptional circumstances and at the discretion of the CEO.

A complaint must be made in writing using the Complaint Form at the end of this policy, a copy will be provided by the academy. A letter may be attached if additional information is considered necessary. 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. (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 conduct its own review to establish if there is corroborative evidence which might trigger a formal investigation.)

#### **Formal Complaints Procedure**

##### **Stage 1**

- The complainant completes the Complaints Form, attaching any additional information if they wish, and sends it to the Principal of the Academy.
- The Principal acknowledges receipt.
- The member of staff commissioned by the Principal to carry out the internal investigation, or the Principal him/herself, must seek a face-to-face meeting with the complainant to try to resolve the matter.
- The Principal comes to a conclusion based on the evidence.
- The Principal writes to the complainant with the outcome within twenty 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 twenty working days. If the complaint is complex, or key people are absent, an extension beyond twenty days may be required; in such cases, the complainant will be notified of any delay beyond the twenty working days, with reasons.

Where the complaint relates to the Principal, the complainant completes the Complaints Form, attaching any additional information if they wish, and sends it to the CEO. The CEO will follow the Stage 2 procedure set out below. If the complainant is dissatisfied with the outcome of the CEO's investigation and can give clear reasons for their dissatisfaction within fifteen working days of receiving the outcome, they can request that the complaint move directly to Stage 3.

If a complainant wishes to bring a complaint against the CEO, following the inability to resolve the matter with the CEO, the complainant should write to the Chair of the Trust. The Chair will determine how best to handle the matter and may decide to establish a Panel to determine the outcome.

## Stage 2

- If the complainant is not satisfied with the outcome of Stage 1, they may request that the CEO consider the complaint. Such a request should be in writing to the Trust's head office.
- The CEO acknowledges receipt.
- The CEO must initially seek a meeting with the complainant to try to resolve the matter.
- The CEO reviews the matter, which may include further investigation, and comes to a conclusion.
- The CEO notifies the complainant of the outcome, in writing, within twenty working days\*. Where this timescale cannot be met, the CEO will inform the complainant, with reasons.

## Stage 3

If the complainant is not satisfied with the outcome of Stages 1 and 2, and provided that every attempt has been made to resolve the matter, the complainant may request that a **Complaints Panel** be established to consider the complaint. This panel will comprise two Trustees not involved in the case, nominated by the Chair of the Trust; and an independent person not linked to the Academy, who will be appointed by the Trust. The Chair of the Trust may chair the Panel him/herself or may nominate another Trustee to do so.

- To initiate Stage 3, the complainant must make the request in writing to the Chair of the Trust within ten working days of the response to Stage 2 being sent. The complainant must set out the reasons why they are dissatisfied with the response to Stage 2.
- The Chair of the Trust acknowledges receipt.
- The Chair of the Trust arranges a Panel hearing within fifteen working days\* of receiving the request.
- The Chair of the Trust asks whether the complainant wishes to make a personal presentation to the Panel and/or submit additional information. If the complainant chooses to attend the Panel, they may be accompanied by one person as a friend or advocate. At the start of the Panel hearing, the Panel chair will ask in which role the person will be acting.
- The Panel hears evidence from all parties concerned and asks questions.
- Following the hearing, the Panel adjourns to consider its conclusion.
- The Panel chair writes to the complainant, within ten working days\* of the Panel hearing, with the outcome and any recommendation for improving the work/procedures of the Academy/Trust.
- The matter is considered by the Trust to be closed.

If the complainant is still not satisfied, they should follow the complaints procedure on the ESFA website and complete the [schools complaints form](#) which will be considered by the appropriate statutory bodies.

## 5 Notes

### Investigating the Complaint

The Principal or CEO 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 CEO. In the case of a complaint against the CEO, the resolution of the complaint and decision about any action to be taken lies with the Chair of the Trust.

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 (this may delay an investigation)
- 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/Trust will retain written records of the investigation at each stage, including notes of all meetings, interviews, discussions and telephone calls.

## **Resolving the Complaint**

At each stage in the procedure, the Academy/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 of a complaint, 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 incident 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/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). It is the policy of the Trust not to disclose any actions related to its staff resulting from any complaint.

## **Publication of the Complaints Policy**

The Complaints Policy is available from the reception office on each Academy site. It is published on the Academy and Trust websites. It can also be acquired from CEO. The Trust will report annually the number of formal complaints made and summarise the outcomes.

## **Vexatious Complaints**

The Trust follows the DfE Best Practice Advice for School Complaints Procedures 2016 in regards to unreasonable complainants. A complaint may 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; using falsified information or publishing unacceptable information in a variety of media such as social media websites and newspapers. In such cases, the Academy/Trust will notify the complainant in writing. If the unreasonable behaviour continues, the Academy/Trust reserves the right to suspend its investigation until a satisfactory working relationship can be established. This decision is the responsibility of the Chair of the Trust. The Trust may choose to challenge false accusations through the courts.

## **Review of Complaints Policy and Procedures**

The Trust constantly seeks to improve its policies and procedures. This document will be reviewed annually. The Board welcomes any suggestions.

## **Confidentiality**



**Official use only**

Date acknowledgement sent:    /    /20

By whom: .....

Investigation established: .....

Latest replied date:    /    /20