



**The  
Legacy  
Learning  
Trust**

# Complaints Policy and Procedure

Status & Review Cycle	Term	Year
Last Review Date/Policy Adopted	Spring Term	2023-2024
Next Review Date	Spring Term	2024-2025
Lead	CEO	

<b>Current date approved</b>	Spring Term 2023-2024
<b>Approved by</b>	TLLT Standards Committee
<b>Date of next review</b>	Spring 2025
<b>Policy owner</b>	CEO
<b>Policy location</b>	TLLT shared documents
<b>Target group</b>	All staff

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# **The Legacy Learning Trust**

## **Complaints Procedure**

The Legacy Learning Trust is committed to ensuring that all learners are provided with a first class educational experience and that each School works in a productive and positive partnership with all parents and carers.

However, if a parent/carer feels that a situation has arisen that they are unhappy about then they have a right to make a complaint. Any and every complaint made will be taken seriously and dealt with swiftly and professionally. All parents/carers will be made aware of this policy and the procedures to follow if they wish to make a complaint.

If a complaint is made it can be resolved or withdrawn at any stage.

### **1. Principles**

The relevant school will try to resolve problems informally wherever possible. An effective response and appropriate redress will be provided to all complaints as quickly as possible, dependent upon the complexity of the issues raised.

NB. This policy relates to complaints about the educational administration of an academy and typically applies to complaints made by parents and carers of learners. It does not relate to matters which are governed by employment legislation of those where the principles of civil contract law would normally apply e.g. service/supply contracts entered into with a School.

### **2. Legal Framework**

This policy has due regard to all relevant legislation including, but not limited to, the following:

Education Act 2002

Freedom of Information Act 2000

Immigration Act 2016

Equality Act 2010

UK General Data Protection Regulation (GDPR)

The Education (Independent School Standards) Regulations 2014

ESFA (2021) 'Best practice guidance for academies complaints procedures'

This policy has also due regard to guidance including, but not limited to, the following:

DfE (2021) 'Best practice guidance for school complaints procedures 2020'

ESFA (2021) 'Best practice guidance for academies complaints procedures'

HM Government (2016) 'Code of Practice on the English language requirement for public sector workers'

ESFA (2022) 'Academy trust handbook'

This policy operates in conjunction with the following school policies:

Data Retention and Destruction Policy

Child Protection and Safeguarding Policy

Grievance Policy

Behaviour Policy

Exclusion Policy

Whistle Blowing Policy

- Complainants must be aware that there is a complaints procedure and copies of this policy will be available upon request.

### **3. Dealing with complaints**

a. At each stage, the person investigating the complaint will ensure that they:

- Clarify the nature of the complaint and unresolved issues
- 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
- Keep appropriate notes of any interview(s) held.

b. At each stage, the person investigating the complaint will seek ways to resolve the complaint satisfactorily. It may be appropriate to offer one or more of the following:

- An acknowledgement that the complaint is valid in whole or in part and/or acknowledgement that the situation could have been handled differently or better, this is not the same as an admission of negligence).
- An apology
- An explanation
- An assurance and an explanation of the steps that have been take to ensure that it will not happen again
- An undertaking to review School or Trust procedures in light of the complaint.

#### **4. Records**

All records will be recorded by the school, including informal complaints. The Headteacher is responsible for ensuring that staff record all complaints and their outcome.

- Records relating to individual complaints are confidential, except where the secretary of state or statutory body conducting an inspection requests access to them.
- The School's Local Governing Body will monitor the level and the subject matter of complaints and review outcomes on a regular basis through the mechanism of performance and data reporting.
- In line with GDPR the school will retain records relating to complaints for a period of six years.

#### **Audio or video evidence**

Electronic recordings of meetings will not be made by either the school or the complainant. A meeting to discuss any complaint may not go ahead if the complainant insists on recording any meeting. The Trust/School will take notes at any meeting to discuss a complaint, which may be shared and the complainant may do the same.

The school will not accept as evidence any recordings that were obtained covertly and without the consent of all parties.

#### **TLLT Schools**

The officer with responsibility for ensuring that this policy is implemented in TLLT Schools is the Chief Executive Officer. Complainants should be aware that Headteachers may refer complaints to the Chief Executive Officer at TLLT because they consider the matter is one of such a nature that it should be investigated independently of the school. Likewise, complaints may be received and dealt with by TLLT for the same reason. Where a complaint is made direct to TLLT, it will be logged by the Chief Executive Officer and forwarded to the School, unless it is received as stated above.

#### **5. Complaints Procedure**

This policy applies to all employees of the Trust (permanent, fixed term and casual).

#### **Dealing with Complaints – Initial Concerns**

It is important 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 informal complaints.

For the purpose of this policy, a "complaint" can be defined as 'an expression of dissatisfaction' towards the actions taken or a perceived lack of action taken.

A "concern" can be defined as 'an expression of worry or doubt' where reassurance is required. For the purpose of this policy, concerns will be classed and addressed as complaints. Any complaint or concern will be taken seriously.

In most cases, the class teacher or the individual delivering the service in the case of extended School provision, will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

### **Dealing with Complaints about SEND Provision**

Any concern or complaints about SEND provision by parents or carers should be initially raised informally, whether by email, letter or telephone call with the school's SENCo. The SENCo will investigate and report back within a week.

If the parents/carers continue to be dissatisfied, a complaint should be raised as per the formal procedure within this complaints procedure by completing the Appendix 1.

### **Dealing with Complaints – Formal Procedures**

Our Complaints Procedure:

- encourages resolution of problems by informal means wherever possible
- is easily accessible and publicised
- is simple to understand and use
- is impartial
- is non-adversarial
- allows swift handling within agreed time-limits for action and keeping people informed of progress
- ensures a full and fair investigation
- respect people's desire for confidentiality
- addresses all the points at issue and provide an effective response and appropriate redress, where necessary
- provides information to the school's Senior Leadership Team so that services can be improved.

### **Investigating Complaints**

At each stage, the person investigating the complaint makes sure that they

- establish what has happened so far and who has been involved
- clarifies the nature of the complaint and what remains unresolved
- meets with the complainant or contacts them (if unsure or further information is necessary)
- clarifies what the complainant feels would put things right
- interviews those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- conducts the interview with an open mind and is prepared to persist in the questioning;
- keeps notes of the interview
- interviews should be recorded using the template at Appendix 3 and signed and dated by the individual as soon as they have been typed up.

### **Resolving complaints**

At each stage in the procedure, the School 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 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 complaint 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 School policies in light of the complaint.

It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the School could have handled the situation better is not the same as an admission of negligence.

### **Withdrawing a Complaint**

If a complainant wishes to withdraw their complaint, they will be asked to confirm this in writing.

### **Further Recourse**

The Independent Hearing Panel at Stage 4 of this process is the last school based stage of the complaints process.

### **Complaints about free schools and academies**

The department's executive agency, the Education Skills Funding Agency (ESFA), will handle complaints about academies and free schools. You can find more information about this on the ESFA's role in complaints and what to do on the ESFA website (<https://www.gov.uk/government/publications/complain-about-an-academy>)

### **Complaining to Ofsted**

Ofsted has powers to investigate certain types of complaint from parents to help them to decide whether to inspect a school. Before complaining to the Secretary of State, ESFA or Ofsted, it is expected that all stages of this procedure have been exhausted.

### **Anonymous Complaints**

These will not normally be investigated. However, the Headteacher or Chair of the LGB, if appropriate, will determine whether the complaint warrants an investigation.

### **Complaint Campaigns**

Where the school is the focus of a campaign and receive a large volume of complaints; all based from the same subject or, from complainants unconnected with the school. The school may choose to respond by sending a template response to all complainants or publish a single response on the school's website.

### **Unreasonably Persistent Complaints**

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures being followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of governors is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

### **Vexatious Complaints**

This procedure should limit the number of complaints that become protracted. However, there will 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 School's LGB or CEO is able, under this policy, to inform them in writing that the procedure has been exhausted and that the matter is now closed.

## **Time Scales**

Complaints must be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

## **Complaints received outside of term time**

Complaints received outside of term time will be considered on the first school day after the holiday period.

## **Time-Limits**

Complaints need to be considered and resolved as quickly and effectively as possible using time limits published in this policy. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

The School will publicise the complaints policy and procedure on:

- the school website

## **The Legacy Learning Trust Complaints Procedure**

### **Stage One: Informal Concern Heard by Staff Member**

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 School can be crucial in determining whether the complaint will escalate. To that end, staff will be periodically made aware of the procedures so that they know what to do when they receive a complaint.

Parents should never feel or be made to feel that a complaint made in a reasonable and appropriate way will be taken amiss or will reflect adversely on the student or their opportunities at the School. The School will try to investigate and try to resolve every complaint in a positive manner and will treat every complaint as an opportunity to improve our service.

The School will try to respect the views of a complainant who indicates that they would have difficulty discussing a complaint with a particular member of staff. In these cases the matter will be referred to a member of SLT who may, if they feel it is appropriate, refer the complainant to another member of staff. Where the complaint concerns the Headteacher, the complainant can be referred to the Chair of the Local Governing Body.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, a member of SLT 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 member of the Local Governing Body, the next step would be to refer the complainant to the appropriate line manager. Members of the Local Governing Body, should 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.

The staff member will aim to resolve any concerns or complaints within 5 school days.



If no further communication is received from the complainant within 10 school days, it is deemed that the complaint has been resolved and should end.

### **Stage Two: Formal Complaint made to the Headteacher**

If the complainant is dissatisfied with the way the complaint was handled at Stage one, they may move to Stage two and have the Headteacher hear the complaint. The Headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken. If the complaint is about the Headteacher then at Stage two the complaint will be heard by the Chair of the Local Governing Body.

The complainant should complete the Complaint Form if they remain unhappy with the outcome of Stage 1. Within 5 school days the Headteacher will acknowledge the complaint. Within 10 school days the Headteacher will investigate and respond in writing.

### **Stage Three: Investigation by the Chair of the Local Governing Body (or Vice Chair)**

The complainant should submit any complaint in respect of the headteacher's investigation in writing (or via an alternative method if necessary) addressed to the Chair of the Local Governing Body within 5 school days of the date of the Headteacher's written response from Stage 2.

The Chair of Local Governing Body will carry out an independent review of the complaint. They may contact the complainant if they need any clarification or further information to assist with their review. The Chair of the Local Governing Body may instruct the school to carry out further investigation into areas of the complaint and will make recommendations regarding suitable resolution if they find that issues have been overlooked or not appropriately addressed at Stage 2.

The complainant and the headteacher will be informed in writing of the outcome within 20 school days of the Chair of the Local Governing Body receiving the complaint.

### **Stage Four: Independent Hearing Panel**

A request to use this stage must be received in writing by the Trust to the Governance Officer ([contact@tllt.org.uk](mailto:contact@tllt.org.uk)) within 10 school days of the previous stage response being sent to the complainant.

The request must set out clearly the reasons why the complainant is dissatisfied with the response and suggestions of actions which may be taken to resolve the situation. The complainant may include any evidence to support their reasons.

New allegations that have not been raised at Stage 2 may not be brought before the panel.

New evidence which was not provided before the completion of the Stage 2 investigation will not normally be considered, however the Chair shall have absolute discretion to permit evidence if it is relevant to the matters to be considered as part of the appeal.

In this stage, complaints from Parents/ Legal Guardians of pupils within one of our schools will have an Independent Panel Hearing, which will comprise of two members of the School's Local Governing Body who have no prior knowledge of the complaint, and one person independent of the management and running of the School. The independent member selection will be supported by the Trust.

The role of the panel is to consider the procedural fairness of the investigation undertaken at Stage 2 and the determinations made. It is not to conduct a further investigation into Stage 2.

The TLLT Governance Officer (the Clerk) will convene the Independent Panel Hearing. The Hearing will be held as quickly as practicable. Whenever possible, the Hearing will be held within 30 school days of receipt of the Hearing request, given the need to find a date that is reasonably convenient for the complainant, the School and the members of the Panel.

The complainant must engage with the Clerk in providing dates for attendance

All parties will be provided with a minimum of 8 school days notice of the Hearing Panel.

The following are entitled to attend the Panel Hearing, submit written representations and relevant documentation, and address the Panel:

- The complainant(s) and/ or one representative;
- The Head Teacher and/ or one representative
- The Trust's Governance Professional to address any procedural questions which may arise;
- Any other interested person whom the Complaint Appeals Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision making.

Governors, from a Local Governing Body at a different school which is still within the MAT, who has no conflict of interest or prior knowledge of complaint, can be involved with the hearing.

Any written representations/ relevant documentation for consideration by the Panel and the names of any representatives attending the hearing, should be sent to the Clerk at least 6 school days prior to the hearing. Any submissions or documents not submitted in accordance with this timescale will not be considered unless the Chair, in their absolute discretion, believes it is just to accept them.

All parties will be issued with papers 5 school days prior to the hearing.

The Panel may request to speak to witnesses. This decision will be at the discretion of the Chair.

Following the Hearing, the Panel will formulate its response as quickly as reasonably possible, aiming to do so within 10 school days, and the TLLT Governance Officer will notify all parties. The written response will explain the panel's decision and any rights to appeal.

Complaints from members of the public, may request a Chief Executive Review as Stage Four. The Chief Executive will review the procedural fairness of the investigation undertaken at Stage Two and the determinations made, they will not consider additional complaints. The Chief Executive may delegate this Review to a senior member of Trust staff who has not previously been involved in the complaint. The review will be undertaken within 15 school days of receipt of the review request.

The Panel or Chief Executive findings and recommendation will be sent in writing to the Complainant and the School within a 'Completion of Procedure' letter and sent where relevant, to the person complained about. A written record will be kept of all Stage Two and above complaints by the School and by the Trust Central Team. The Trust team will record at what Stage they have been resolved or progressed to. All recommended actions arising from the complaint investigations will be monitored by the Trust Central Team.

### **Hearing the Complaint at the Independent Hearing Panel**

The aim of the panel will be to resolve the complaint and achieve reconciliation between the School and the complainant.

In the interest of the natural justice, the introduction of previously undisclosed evidence or witnesses would be reason to adjourn the meeting so that the other side has time to consider and respond to the new evidence.

The recommended conduct of the meeting is as follows:

The Chair of the panel will welcome the complainant, introduce the panel members and explain the procedure.

The Chair of the panel will invite the complainant to explain the complaint.

The Panel members may question the complainant about the complaint and the reasons why it has been made.

The Headteacher will be invited by the Chair of the panel to question the complainant about the complaint and why it has been made.

The Chair of the panel will invite the Headteacher to make a statement in response to the complaint. At the discretion of the Chair of the panel, the Headteacher may invite the members of staff directly involved in the complaint to supplement his/her response.

The Panel members may question the Headteacher and/or members of staff about the response to the complaint.

The Chair of the panel will allow the complainant to question the Headteacher and/or members of staff about the response to the complaint.

Any party has the right to call witnesses, subject to the approval of the Chair of the Panel.

The Panel, the Headteacher and the complainant have the right to question any such witness.

The Headteacher will be invited by the Chair of the panel to make a final statement.

The complainant will be invited by the Chair of the panel to make a final statement.

The Chair of the panel will explain to the complainant and the Headteacher that the decision of the panel will now be considered and a written decision will be sent to both parties within 15 working days. The Chair of the panel will then ask all parties to leave, except for members of the Panel.

The Panel will then consider the complaint and all the evidence presented and;

Reach a decision on the complaint and the reasons for it.

Decide upon the appropriate action to be taken to resolve the complaint.

The members sitting on the panel need to be aware of the complaints procedure before the meeting.

If the complainant remains unsatisfied, they may take their complaint to the Education and Skills Funding Agency (ESFA).

## **Roles and Responsibilities**

### **The Role of the Chief Executive Officer**

The person in charge of coordinating the complaints procedure at the school is the Headteacher. Overall responsibility is retained by TLLT through the Chief Executive Officer. The role of members of the LGBs/trustees arises only in respect of appeals where the complainant remains dissatisfied with attempts to resolve the issue of a complaint and as set out above.

### **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 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 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.

### **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. Learners may not appear as witnesses, but they may provide statements.
- After introductions, the complainant is invited to explain their complaints and be followed by their witnesses.
- The Headteacher may question both the complainant and the witnesses after each has spoken.
- The Headteacher is then invited to explain the School's actions and be followed by the School's witnesses.
- The complainant may question both the 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 Headteacher is then invited to sum up the School'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 a set time scale.

**Complaint Form**

Please complete and return to \_\_\_\_\_ (Headteacher) who will acknowledge receipt and explain what action will be taken.

Your Name:
Student's Name:
Your relationship to the Student:
Address:  Postcode: Daytime telephone number: Evening telephone number:
Please give details of your complaint:
What action, if any, have you already taken to 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:

## Complaints Procedure Flowchart



