

# Complaints Policy

## Trust Policy & Procedures

|                                 |  |
|---------------------------------|--|
| Accountable Trust Committee     | Audit & Risk   |
| Policy Area                     | Risk   |
| Responsible Officer             | Commercial Director  |
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| Trust/school-mandatory policies | Behaviour Policy<br>Code of Conduct for Trustees and Governors<br>Data Protection Policy<br>Disciplinary and Capability Policy/Procedures<br>Grievance Policy/Procedures<br>Child Protection and Safeguarding Policy |
| Optional school policies        | -  |
| External                        | DfE Academy Trust Handbook   |

## Document Control

| Date     | Version   | Comments   |         |   |
|----------|-----------|--|---------|---|
| 01/10/21 | 1.0       | Trustee approved – board meeting 28/09/21  |         |   |
| 01/10/21 | 1.0b      | Cover page and key contacts updates  |         |   |
| 03/03/22 | 1.0c      | Reference company name change to Learning Partners Academy Trust   |         |   |
| 24/06/22 | 2.1 Draft | <b>Draft for consultation, prior to Audit Committee Wed-6-July.</b><br>Changes based on lessons learned in 22-23 and desire to align more closely to SCC complaints process. |         |   |
|          |           | Type   | Section | Change  |
|          |           | General  | All     | Rewording adapted in some places to use best practice from SCC complaint process <ul style="list-style-type: none"> <li>• Reworded as per SCC blue</li> <li>• New additions – orange</li> <li>• Original policy – black</li> </ul>  |
|          |           | Added  | 3c      | Clarity on video evidence consent   |
|          |           | Updated  | 3e      | Clarity that policy remains throughout escalation stages of complaint   |
|          |           | Updated  | 4       | Reworded Raising your concerns informally- further detail on concerns versus complaints   |
|          |           | Updated  | 5.1     | Clarity on term-time working days   |
|          |           | Added  | 5.3     | Ability to pause a complaint  |
|          |           | Added  | 6.1     | Clarity required on complaint type and investigation process attributed<br>No reinvestigation of the same elements/incidents in a new complaint   |
|          |           | Added  | 6.2     | Procedure for withdrawing a complaint   |
|          |           | Updated  | 6.3     | Added summary process and timescales changed<br>1A reduced from 30 to 20 term-time days<br>2A reduced from 30 to 20 term-time days<br>1B reduced from 30 to 20 term-time days<br>Escalation at any stage changed from 10 term-time days to two calendar weeks<br>Clarified governance roles for process B and specified procedures for exceptions |
|          |           | Updated  | 6.4     | Clarified that financial compensation is not a remedy available within the complaints process.  |
|          |           | Updated  | 6.5     | Investigation exceptions clarified specifying who investigates and is informed  |
|          |           | Updated  | 6.6     | Investigation outcome details added   |
|          |           | New  | 6.7     | Governor investigation replaces governor review panel at Stage 2(A)   |
|          |           | Updated  | 6.8     | Panel policy and procedures specified including the nomination of a panel chair.  |
| Updated  | 7         | Vexatious complaints to include complainant and extend to family/representatives   |         |   |
|          | 2.2 Draft | Updated  | 6.5a    | Typo fixed  |
|          | 2.3       | New  | 6.8f    | Panel findings and recommendations to be available for inspection on the school premises by the proprietor and the head teacher.  |
| 15/01/24 | 2.4       | Updated  |         | Chair of Governors contact details updated  |

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**Key Contacts**

Trust 01483-977230  
 CEO: JMayhew@learningpartners.org  
 Chair of Trustees: [Alsherwood@learningpartners.org](mailto:Alsherwood@learningpartners.org)

Please note this list may be updated by the responsible officer when change arises in the organisation, without the need for committee meeting review/approval.

## 1 Introduction

Learning Partners Academy Trust (“the trust”), endeavours to provide the best education possible for all of its pupils in an open and transparent environment. We welcome any feedback that we receive from parents, pupils and third parties, and we accept that not all of this will be positive. Where concerns are raised the trust and its schools deal with them:

- Fairly
- Openly
- Promptly
- Without prejudice

The trustees have approved the following procedure for the handling of complaints made against the trust and its schools.

This policy has been written with due regard to the Education and Skills Funding Agency guidance on best practice for complaints.

Records or logs relating to any complaint will be retained in accordance with the trust’s data retention procedure, as referred to in the trust Data Protection Policy.

A copy of this policy is available on each school’s website, and on the trust website. Copies may also be obtained from each school’s office.

## 2 Scope

This policy covers complaints about any provision of the trust and its schools, other than complaints that are dealt with under other statutory processes, including those listed below:

| <b>Exceptions</b>   | <b>Who to contact</b>  |
|---|--|
| Admissions to schools<br>Statutory assessments of Special Educational Needs<br>School re-organisation proposals | Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Surrey County Council.  |
| Matters likely to require a child protection investigation  | Complaints about child protection matters are handled under our Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance.<br><br>If you have concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Children’s Single Point of Access (C-SPA).<br><br><a href="https://www.surreycc.gov.uk/social-care-and-health/concerned-for-someones-safety">https://www.surreycc.gov.uk/social-care-and-health/concerned-for-someones-safety</a> |

|   |   |
|---|---|
| Exclusion of children from school*  | <p>Further information about raising concerns regarding exclusions can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p> <p>*complaints about the content and application of a school's behaviour policy can be made through this policy.</p>  |
| Whistle-blowing   | <p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns should complain through this complaints policy. They may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of the complaint.</p> |
| Staff grievances  | Complaints from staff will be dealt with under the trust grievance procedure.   |
| Staff conduct   | <p>Complaints about staff will be dealt with under the trust disciplinary and capability policy, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>   |
| Complaints about services provided by other providers who may use a school premises or facility | Providers should have their own complaints procedure to deal with complaints about service. Please contact them directly.   |
| National Curriculum - content   | Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a> .  |

### 3 Context

#### 3.1 Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the trust's schools. Any person, including members of the public, may make a complaint to the trust about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or

admissions, or as outlined in the scope section of this policy), we will use this complaints procedure.

### **3.2 Anonymous complaints**

The trust will not normally investigate complaints that are submitted anonymously. The person responsible for investigating a complaint will determine whether an anonymous complaint requires investigation.

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

Complainants should make sure they obtain informed consent from all parties present before recording conversations or meetings. In line with DfE guidance, we do not normally accept electronic recordings as evidence when we are asked to consider a complaint. Unless exceptional circumstances apply, we will not accept, as evidence, recordings of conversations that were obtained covertly and without informed consent of all parties being recorded.

### **3.4 Virtual meetings**

To accommodate differing circumstances, there may be occasions where it is deemed appropriate to hold a complaint-related meeting virtually, or an element of a hearing virtually.

### **3.5 Deviation from the procedure**

There may be occasions when it is necessary or reasonable to deviate from the published complaints procedure. The policy in force at the time of the original formal Stage 1 complaint will be relevant through all stages of the trust's complaints process, unless there is good reason to move to a newer policy version, as determined by the chief executive. In cases of any deviation, the complainant will be kept informed and reasons for the deviation given.

### **3.6 Adjustments to this policy**

The trust periodically reviews its policies to ensure that they are appropriate and follow all necessary legislation and guidance.

Requests for reasonable adjustments to this policy, on the basis of the Equality Act 2010, will be considered on a case-by-case basis.

Where this policy does not specify a particular course of action, the chief executive is able to authorise appropriate actions to be taken.

## **4 Raising your concerns informally**

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

A complaint may be defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage.

Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. This will usually be a pupil's class teacher (nursery / primary), form

tutor or head of year (secondary / further education), with the school's office, or with a member of the trust central staff.

The trust takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, you will be referred to an appropriate alternative staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, you will be referred to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

All concerns will be dealt with confidentially, although the staff member may need to take notes if they feel that the matter may need to be taken further or it may arise again in the future. Any such notes will be kept in accordance with the trust Data Protection Policy. Notes can be used as evidence if further investigation is required, or if the concern becomes a formal complaint.

We understand, however, that there are occasions when people would like to raise their concerns formally. In this case the trust will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

## **5 Timescales for raising concerns and complaints**

Concerns must be raised informally with an appropriate member of the school's staff or the school office as soon as possible; or the business unit / trust staff as appropriate. Where a complainant wishes to proceed with the formal process set out below, they will normally need to do so within three months of any issue occurring or, where a series of associated incidents occur, within three months of the last of these incidents. Complaints older than three months will only be investigated in exceptional circumstances. The person responsible for investigating a complaint will determine whether complaints that are older than three months require investigation. The complainant will be provided with reasons if their request has not been allowed.

The timescales that apply to each stage are stated in the appropriate sections of this policy.

### **5.1 Term-time working days**

Term-time working days are as determined by Surrey County Council published term-time dates. This therefore includes any INSET days a school may have.

The term-time day is considered to end at 5pm. Therefore any notification received after this time is considered to be received on the following term-time day.

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

We will consider complaints made outside of term-time to have been received on the first term-time day after the holiday period.

### **5.3 Pausing a Complaint**

Where a complaint or escalation is raised but we do not have clarity from the complainant on the issues and/or desired outcomes within a timely manner, we may also pause the complaints process until such clarity is achieved, such that the complaint can be dealt with more effectively. If this happens, we will inform you of a proposed new timescale, as appropriate.

## 5.4 Impact of other bodies

Where other bodies are involved in aspects of a complaint, for example the police, the local authority (LA), safeguarding teams, tribunals or courts, our ability to adhere to the timescales within this procedure may be affected. We may also need to suspend this procedure until other public bodies have completed their processes. If this happens, we will inform you of a proposed new timescale, as appropriate.

If a complainant commences legal action against the trust or any of its schools in relation to their complaint, the trust will consider whether to suspend the complaints procedure in relation to the complaint until those legal proceedings have concluded.

## 6 Formal complaints

### 6.1 Raising a formal complaint

Complainants are able to formally complain where they are not satisfied that their concerns have been addressed by using the formal process set out below.

Complainants must set out, in writing:

- The grounds of the complaint.
- Whether the complaint is about
  - A school, or
  - A headteacher/principal, the trust or its other units, or those in governance
- Details of the informal discussions that took place in order to attempt to resolve the matter.
- Why any informal measures have not been successful, which have resulted in the complaint remaining unresolved.
- What measures they are seeking, in order to resolve their complaint.

All formal complaints must be raised using the online complaints form – <https://www.learningpartners.org/971/complaints>.

The scope of the complaint should not include the same elements or incidents raised by a previous complaint (whether by the same or an alternate complainant) – these will not be reinvestigated.

The date of the complaint being formally raised will be assigned when the written complaint, containing all of the above-requested information, has been received; all timescales will work from this date.

### 6.2 Withdrawing complaints

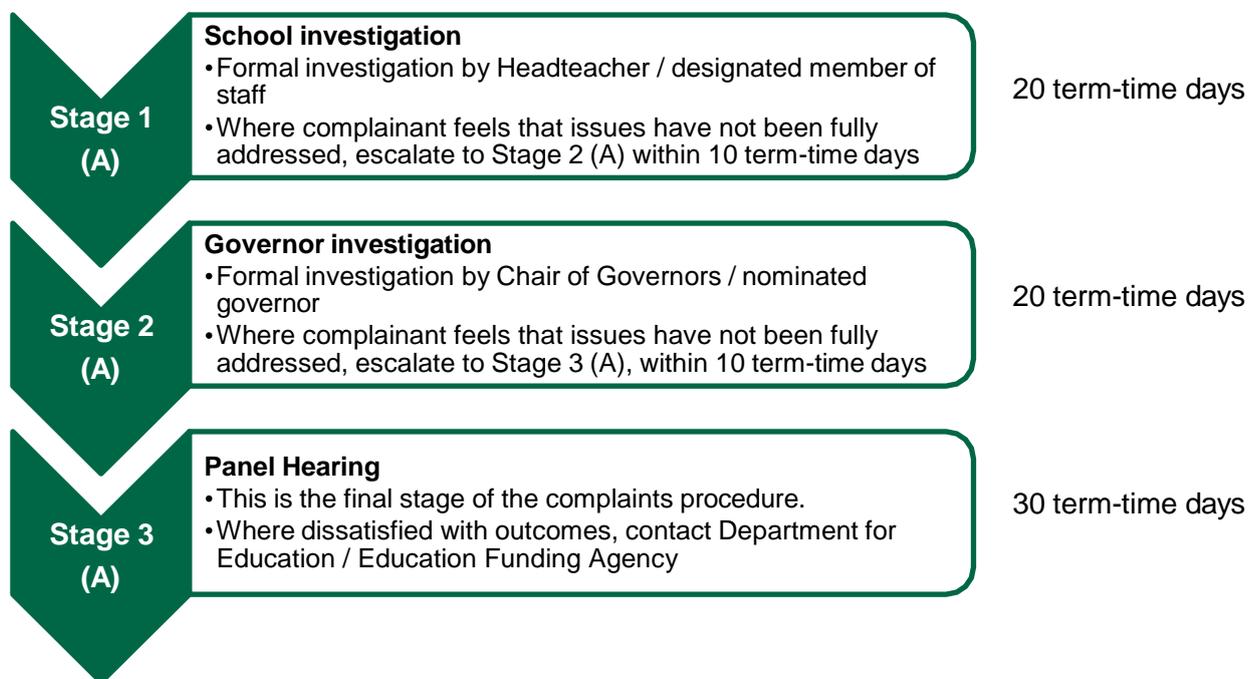
If a complainant wants to withdraw their complaint at any stage in the process, we will ask them to confirm this in writing to [complaints@learningpartners.org](mailto:complaints@learningpartners.org). Receipt of the withdrawal will be notified to all concerned parties within 5 term-time days.

## 6.3 Summary of complaints processes and timescales

### a) Process A: Summary of process for formal complaints against the school

*For complaints about schools*

*(not including headteachers/principals, the trust or its other units, or those in governance)*



#### Stage 1 (A) School Investigation

- Acknowledgement of receipt of complaint to be sent within 5 term-time days of receipt of the complaint, by the shared service team member responsible for complaints, specifying complaints process A and intended date of outcome letter.
- Complaint to be investigated and written response to be received by complainant within 20 term-time days of receipt of the formal complaint.

#### Stage 2 (A) Governor Investigation

- If the complainant believes that their complaint has not been fully addressed at stage 1, they may request to move to stage 2. This request must be made within 10 term-time days of the receipt of the outcome letter at stage 1 to [complaints@learningpartners.org](mailto:complaints@learningpartners.org).
- Acknowledgement of receipt of complaint escalation to be sent within 5 days of receipt of the complaint.
- Complaint to be investigated and written response to be received by complainant within 20 term-time days of receipt of the stage 2 formal complaint escalation.

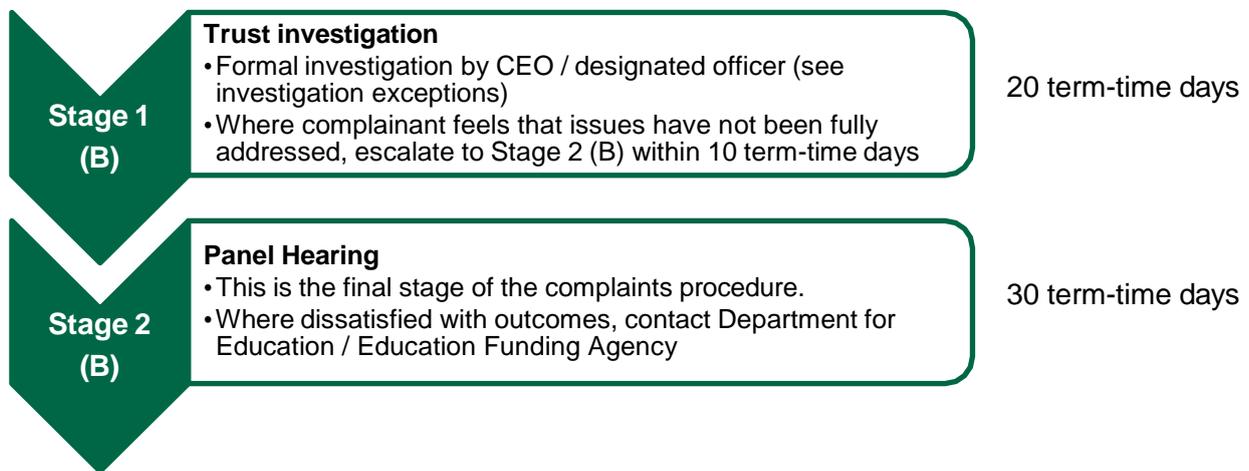
#### Stage 3 (A) Panel Hearing

- If the complainant believes that their complaint has not been fully addressed at stage 2, they may request to move to stage 3. This request must be made within 10 term-time days of the receipt of the outcome letter at stage 2 to [complaints@learningpartners.org](mailto:complaints@learningpartners.org).
- Acknowledgement of receipt of request to escalate complaint to stage 3(A) to be sent within 5 term-time days.

- Panel hearing to be held within 30 term-time days of receipt of request to go to Stage 3(A).
- Paperwork for panel hearing to be received from all parties at least 10 term-time days before the hearing.
- Paperwork for panel hearing to be sent to all parties at least 5 term-time days before the hearing.
- Outcome letter from panel to be sent to complainant within 10 term-time days of the panel hearing.

## b) Process B: Summary of process for other complaints

*Complaints about Headteachers/Principals; the trust and its other units, or those in governance (not including schools).*



### Stage 1 (B) Trust Investigation

- Acknowledgement of receipt of complaint to be sent within 5 term-time days of receipt of the complaint, by the shared service team member responsible for complaints, specifying complaints process B and intended date of outcome letter.
- Complaint to be investigated and written response to be received by complainant within 20 term-time days of receipt of the formal complaint.

### Stage 2 (B) Panel Hearing

- If the complainant believes that their complaint has not been fully addressed at stage 1 (B), they may request to move to stage 2 (B). This request must be made within 10 term-time days of the receipt of the outcome letter at stage 1 to [complaints@learningpartners.org](mailto:complaints@learningpartners.org).
- Acknowledgement of receipt of request to escalate complaint to Stage 2 (B) to be sent within 5 term-time days.
- Panel hearing to be held within 30 term-time days of receipt of request to go to Stage 2 (B).
- Paperwork for panel hearing to be received from all parties at least 10 term-time days before the hearing.
- Paperwork for panel hearing to be sent to all parties at least 5 term-time days before the hearing.

- Outcome letter from panel to be sent to complainant within 10 term-time days of the panel hearing.

#### **6.4 Seeking Resolution**

At each stage of this procedure, the trust and its schools want to resolve complaints in partnership with complainants. Where a complaint is upheld in part, or its entirety, the following resolutions are available at all stages of the process:

- An explanation
- An admission that the situation could have been handled differently or better
- An assurance that we will try to ensure the matter complained of will not reoccur
- An explanation of the steps that have been, or will be, taken to help ensure that the matter complained of will not happen again and an indication of the timescales within which any changes will be made
- An undertaking to review the trust or school policies in light of the complaint
- An apology
- Mediation – this can provide a helpful mechanism for discussion when a complaint is raised, and can help to rebuild the relationship between parties once all of the investigative stages of the complaints procedure have been complete

Financial compensation is not a potential resolution of the complaints process.

Where there are multiple complaints that are similar in their nature, the trust and its schools reserve the right to issue template responses or to publish responses on their websites.

At all stages of this policy, the trust and its schools will act in a manner that is:

- Lawful
- Rational
- Reasonable
- Fair
- Proportionate

#### **6.5 Investigation Exceptions**

##### **a) Impartiality of school investigation**

Where circumstances mean that the headteacher or delegated investigator for a school investigation are unlikely to be impartial, a Stage 1 (A) complaint will progress directly to a Stage 2 (A) governor investigation. This may occur for example when the headteacher has been heavily involved in the informal complaints process.

##### **b) Complaints about the headteacher**

Will follow standard process B. The headteacher, chair of governors and chief executive will be made aware of each stage in the process.

##### **c) Complaints about the chief executive**

Where a complaint relates to the chief executive, the chief executive and chair of trustees will be made aware of each stage in the process and an investigation and response will be carried out by a trustee, in accordance with complaints process B.

#### **d) Complaints about governors, trustees and members**

Where a complaint relates to an individual governor (but not the chair or vice chair), an investigation and response will be carried out by the chair of the local governing body (LGB), in accordance with complaints process B.

Where a complaint relates to a trust LGB, the majority of governors, the chair or the vice chair, an investigation and response will be carried out by a trustee, in accordance with complaints process B. The relevant governors/trustees/members, chair of trustees and chief executive will be made aware of each stage in the process.

Where a complaint relates to an individual trustee, an investigation and response will be carried out by the chair of the trust board, in accordance with complaints Process B. The relevant trustee, chair of trustees and chief executive will be made aware of each stage in the process.

Where a complaint relates to member(s), an investigation and response will be carried out by a suitably qualified/experienced person who is independent of the trust, in accordance with complaints Process B. The relevant trustee, chair of trustees and chief executive will be made aware of each stage in the process.

#### **6.6 Stage 1 (A/B) – Investigations**

See section 6.3 for timescales.

The trust shared service team member responsible for complaints will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email). Within this response, we will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see, if this is not already clear.

##### **a) Investigation**

An investigation will be carried out, during which further information from the complainant either in writing, verbally, or via a meeting may be sought.

A headteacher (Stage 1 Process A) or the chief executive (Stage 1 Process B) may delegate any investigation to a suitably qualified or experienced member of staff, but only the headteacher or chief executive may provide a formal response (except where another individual is investigating in accordance with sections 6.5 investigation exceptions above).

The individual responsible for investigating the complaint will:

- If necessary, seek statements or information from those involved in the matter. These individuals may be accompanied by a friend or relative if they wish.
- Retain a written record of the investigations, including notes of any meetings, discussions or interviews that have taken place.

The investigator will consider all relevant evidence; this may include but is not limited to:

- evidence from any informal process to resolve the complaint
- a statement from the complainant
- where relevant a meeting with/statement from an individual who is the subject of the complaint

- any previous correspondence regarding the complaint
- any supporting documents from all parties
- interviews with /statements from anyone related to the complaint
- relevant policies and whether they were followed

## **b) Outcome**

After considering the available evidence, the headteacher or chief executive may:

- uphold the complaint and direct that certain action be taken to resolve it
- not uphold the complaint and provide the complainant with details of the Stage 2 complaint review process
- uphold the complaint in part: in other words, they may find one aspect of the complaint to be valid, but not another aspect. They may recommend certain action to be taken to resolve any aspect that they find in favour of the complainant

At the conclusion of the investigation, the headteacher or chief executive (or other investigator appointed in accordance with investigation exceptions sections above) will provide a formal written response. If this deadline cannot be met, the complainant will be provided with the reasons for this, and a date by which the individual expects to be able to provide a formal response.

- A formal response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the trust and/or its schools will take to resolve the complaint.
- The complainant will be advised on how they are able to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.
- The complainant should be advised that all complaints documentation is stored securely in accordance with this policy and data protection policy.

The formal response will be sent along with all supporting materials to the central service team responsible for complaints ([complaints@learningpartners.org](mailto:complaints@learningpartners.org)), for secure storage and later reference. The shared service team member responsible for complaints will ensure all relevant information relating to the complaint is kept at the trust in a secure, confidential file, separate from staff and pupil records. This information should be retained in accordance with the trust's data protection policy and procedures. Note that the secretary of state or a body conducting an inspection under s 109 of the Education and Skills Act 2008 may request access to complaints documentation.

## **6.7 Stage 2 (A) – Governor Investigations**

See section 6.3 for timescales.

### **a) Escalation**

If the complainant believes that their complaint has not been fully addressed at Stage 1 (A), they may request a governor investigation. This should be done in writing to [complaints@learningpartners.org](mailto:complaints@learningpartners.org), setting out

- the reasons why they feel that the complaint has not been fully investigated
- which element(s) of their complaint remain unresolved

- what outcome they are seeking

The complainant must make their request within 10 term-time days of receiving the decision letter from the earlier stage or it will not be considered, except in exceptional circumstances. Requests received outside of this time frame will only be considered if exceptional circumstances apply and are explained at the same time that the request for escalation is received. The chair of the local governing body will determine whether an out of time request for a review panel shall be accepted. The complainant will be provided with reasons if their request is not allowed. Where the chair is unable to act, their appointed deputy shall do so in their absence.

The trust shared service team member responsible for complaints will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email), within 5 days.

## **b) Investigation**

The chair of governors may choose to delegate the investigation of the complaint to a nominated governor who may, at the sole discretion of the chair of governors, be independent of the school, but within the trust. The investigating governor will have had no prior involvement in the complaint.

Receipt of the complaint escalation will be acknowledged by the shared service team member responsible for complaints. In most cases the complainant will be invited to meet with the chair of governors/nominated governor at the outset of the process. The aim of this meeting is to enable the chair of governors/nominated governor to understand the scope of the complaint and desired outcomes prior to commencing their investigation.

The chair of governors/nominated governor will consider all relevant evidence; this may include but is not limited to:

- evidence and outcome from Stage 1 (A) investigation if applicable
- a statement from the complainant
- where relevant a meeting with/statement from an individual who is the subject of the complaint
- any previous correspondence regarding the complaint
- any supporting documents from all parties
- interviews with /statements from anyone related to the complaint
- relevant policies and whether they were followed

## **c) Outcome**

After considering the available evidence, the chair of governors/nominated governor may:

- uphold the complaint and direct that certain action be taken to resolve it
- not uphold the complaint and provide the complainant with details of the Stage 3 (A) complaint review process
- uphold the complaint in part: in other words, the chair of governors/nominated governor may find one aspect of the complaint to be valid, but not another aspect. They may recommend certain action to be taken to resolve any aspect that they find in favour of the complainant

The chair of governors/nominated governor should inform the complainant of their decision in writing.

- They should explain clearly why they have come to the decision that they made.
- They should detail any agreed actions as a result of the complaint.
- They should provide the complainant with details of how to progress the complaint to Stage 3 (A) if they believe their complaint has not been fully addressed.
- The complainant should be advised that all complaints documentation is stored securely in accordance with this policy and data protection policy.

Should the complaint not be resolved mediation should be considered. This may be arranged through the Local Authority Area Schools Support Service and will be impartial and objective.

The formal response will be sent along with all supporting materials to the central service team responsible for complaints ([complaints@learningpartners.org](mailto:complaints@learningpartners.org)), for secure storage and later reference. The shared service team member responsible for complaints will ensure all relevant information relating to the complaint is kept at the trust in a secure, confidential file, separate from staff and pupil records. This information should be retained in accordance with the trust's data protection policy and procedures. Note that the secretary of state or a body conducting an inspection under section 109 of the Education and Skills Act 2008 may request access to complaints documentation.

## **6.8 Stage 3 (A) and Stage 2 (B) – Review Panel**

A review panel is the final stage of the trust's complaints procedure.

The panel will not only consider the handling of the complaint at the previous stages, but will also consider those aspects of the original complaint which the complainant believes have not been fully addressed. This will include reviewing evidence and outcomes from earlier stages, evaluating whether relevant policies and procedures have been followed, and considering whether the resolution offered was reasonable and appropriate. Consideration should also be given to achieving reconciliation between the trust and/or the school and the complainant, however, it is recognised that this is not always possible.

### **a) Escalation**

In order to proceed to a review panel, the complainant must set out in writing, to [complaints@learningpartners.org](mailto:complaints@learningpartners.org).

- the reasons why they feel that the complaint has not been fully investigated
- which element(s) of their complaint remain unresolved, and
- what outcome they are seeking from the complaint review panel.

The complainant must make their request within 10 term-time days of receiving the outcome letter from the earlier stage or it will not be considered, except in exceptional circumstances. Requests received outside of this time frame will only be considered if exceptional circumstances apply and are explained at the same time that the request for escalation is received. The chair of the trust board will determine whether an out of time request for a review panel shall be accepted. The complainant will be provided with reasons if their request is not allowed. Where the chair is unable to act, their appointed deputy shall do so in their absence.

The trust shared service team member responsible for complaints will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email), within 5 term-time days.

## **b) Panel Formation**

This consists of a panel hearing with at least three people who were not directly involved in the matters detailed in the complaint or any previous investigation. Two of the complaint panel members will be trustees and one independent of the management and running of the trust itself but may be a local governor of another school. This means that the independent complaint panel member will not be a trustee or an employee of the trust.

Complainants can request an independent complaints committee if they believe there is likely to be bias in the proceedings. They should provide evidence of bias in support of their request, as it is the panel's decision whether to agree to it. If the appearance of bias is sufficient to taint the decision reached, then it is recommended that the panel grants such requests.

To aid organisation, the panel chair will be suggested by the clerk to panel, where possible, and confirmed in a pre-meeting of panel members.

## **c) Panel Timeline**

See section 6.3 for timescales.

The clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within **30 term-time days** of receipt of the panel hearing request. Reasonable attempts will be made to establish a date that is convenient for all parties. Where a mutually convenient date cannot be established, or any party does not attend as arranged, hearings are able to proceed in their absence so long as the requisite panel members and clerk are present.

If it is not possible to arrange a mutually convenient date for all parties within 30 term-time days, the clerk will provide an anticipated date and keep the complainant informed. If the complainant rejects the offer of three proposed dates, without good reason, the clerk will decide when to hold the meeting. In this case the panel will meet with the clerk and Surrey County Council Area Schools Officer in attendance, and consider the complaint on the basis of written submissions from both parties, with neither party being present.

At least **15 term-time days** before the meeting, the clerk will:

- Confirm and notify both parties of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible, and
- Inform both parties that copies of any further written material should be submitted to the clerk at least **10 term-time days** before the meeting. Any evidence submitted after this, including on the day of the hearing, will only be considered in exceptional circumstances with the agreement of the panel chair, whose decision is final.

Any written material will be collated and circulated by the clerk to all parties so that it is received at least **5 term-time days** before the date of the meeting. The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

## **d) Panel Meeting Attendees**

The clerk will invite the following parties as applicable:

- A panel of three trustees, one or more of whom is independent of the trust
- The complainant
- The headteacher
- Investigating member of SLT (if appropriate)
- The chair of governors/nominated governor who dealt with the complaint at Stage 2
- Relevant witnesses
- Area Schools Support Service representative (procedural advice)

The complainant may ask to be accompanied to the meeting by a supportive companion, interpreter or advocate. It is not advisable for this person to be a member of the school/trust community, for reasons of confidentiality and to avoid conflict of interest. The complainant must advise the clerk to the complaint review panel of the name and role of this additional person prior to the hearing, and the clerk will seek agreement from the chair of the panel. If the additional person is attending as an advocate, they will be presenting the complainant's case and speaking on their behalf, and therefore the complainant will not be able to address the panel directly. If the additional person is attending as a supportive companion they will not be able to address the panel directly.

As this is not a legal process, neither party may bring legal representation with them except in exceptional circumstances, by prior agreement of the panel chair. Any such legal representative is assumed as being in attendance as personal support, rather than as part of a legal process, otherwise it may be considered that legal action is being taken – see section 5.3.

If the attendance of any pupils is required at the hearing, parental permission will be sought if the pupil is under the age of 18. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing. The panel should respect the views of the child/young person and give them equal consideration to those of adults. If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend. However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the panel considers is not in the child/young person's best interests. The welfare of the child/young person is paramount and will be the decision of the panel chair.

Members of any media outlet are not permitted to attend.

#### **e) Panel proceedings**

Panel meetings will be carried out in accordance with the general principals of natural justice.

The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations. Financial compensation is not a possible outcome of the process.

The panel hearing will consider the complaint as was submitted at prior stages: Stage 1 (A) and Stage 2 (A) or Stage 1 (B), as appropriate. Any new issues will need to be dealt with by a separate complaint procedure.

The panel will not only consider the handling of the complaint at the previous stages, but will also consider those aspects of the original complaint which the complainant believes have not been fully addressed.

The meeting will be held in private and is confidential. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or additional needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations are recorded. Consent will be recorded in any minutes taken.

The format of the meeting is that the complainant is given a set amount of time to make their case. The panel and the school may then ask the complainant questions for clarification. The school then has the same amount of time to make their case. The panel and complainant then have the opportunity to seek clarification from the school. Both parties then leave the meeting and the panel will deliberate.

Due to the confidential nature of the panels, electronic copies of the proceedings are not normally allowed

The panel will consider the complaint and all the evidence presented and will come to their decisions on the balance of probabilities.

#### **f) Outcome**

The panel can:

- Uphold the complaint in whole or in part
- Dismiss the complaint in whole or in part
- Determine that all or part of the complaint is out of their scope to consider.

If the complaint is upheld in whole or in part, the panel will:

- Decide on the appropriate action to be taken to resolve the complaint
- Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

The chair of the panel will provide the complainant and the trust with a full explanation of their decision and the reason(s) for it, in writing, and a copy of the minutes of the panel hearing, **within 10 term-time days.**

- The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they believe that their complaint has been handled unreasonably or unlawfully by the trust.
- The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the trust will take to resolve the complaint.
- The complainant should be advised that all complaints documentation is stored securely in accordance with this policy and data protection policy.
- The panel will ensure that those findings and recommendations are sent by post, electronic mail or otherwise given to the complainant and, where relevant, the person complained about, with a copy to the headteacher and those specified in 6.5 exceptions. Furthermore, they will be available for inspection on the school premises by the proprietor and the head teacher.

The formal response will be sent along with all supporting materials to the central service team responsible for complaints ([complaints@learningpartners.org](mailto:complaints@learningpartners.org)), for secure storage and later reference. The shared service team member responsible for complaints will ensure all relevant information relating to the complaint is kept at the trust in a secure, confidential file, separate from staff and pupil records. This information should be retained in accordance with the trust's data protection policy and procedures. Note that the secretary of state or a body conducting an inspection under s 109 of the Education and Skills Act 2008 may request access to complaints documentation.

## **7 Persistent, frivolous or vexatious complainants**

Parties are expected to act in a decent manner and treat each other with respect through all stages of the complaints process. The policy for the handling of persistent, frivolous or vexatious complainants is outlined to below.

The trust and its schools are committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to the community. We will not normally limit the contact complainants have with our schools/trust. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from such behaviour, including that which is abusive, offensive or threatening.

The trust and its schools define unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact and/or complainants family's/representative's contact with the school or trust, such as, if the complainant:

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- Refuses to co-operate with the complaints investigation process
- refuses to accept that certain issues are not within the scope of the complaints procedure
- Insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- Introduces trivial or irrelevant information which they expect to be taken into account and commented on
- Raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- Changes the basis of the complaint as the investigation proceeds
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- Refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Education and Skills Funding Agency
- Seeks an unrealistic outcome
- Makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- Uses threats to intimidate
- Uses abusive, offensive or discriminatory language or violence
- Knowingly provides falsified information

- Publishes unacceptable information on social media or other public forums

Complainants should try to limit their communication with the school that relates to their complaint, while the complaint is being progressed. Repeated correspondence about a complaint is likely to delay any outcome being reached.

### 7.1 Procedure for handling persistent, frivolous or vexatious complainants

If a complainant's behaviour is considered unreasonable, the headteacher or chief executive will initially write to them to explain that their behaviour is unreasonable and ask that they change it.

If, after the headteacher or chief executive has written to the complainant asking them to modify their behaviour, the complainant's unreasonable behaviour continues, the following options are available to the headteacher or chief executive:

- Creation of a communication plan which sets out acceptable methods communication and/or names of individuals that the complainant may correspond with. Such plans will be reviewed by the chief executive at appropriate intervals.
- Stop responding where **all** of the following apply:
  - Every reasonable attempt to address the complainant's concerns have been taken.
  - The complainant has received a clear statement of the options available to them and of the trust's position.
  - There is repeated correspondence, making substantially the same points each time.

The trust considers that the case to end communications is stronger where the complainant is abusive, aggressive, insulting, threatening, or intending to cause disruption to the activities of a school or the trust.
- Barring the complainant from the school/trust premises, where their behaviour is a particular cause for concern.
- The headteacher or chief executive will write to the complainant to explain why they have been barred from a school/trust site. The complainant will be given an opportunity to object to a decision to bar them from a site by writing to the headteacher or chief executive **within 10 term-time days** of receiving a notice informing them of the chief executive's decision. The complaints panel will review the headteacher or chief executive's reasons for barring an individual from a site and any written objection to it, and may uphold or decline to uphold the decision to bar an individual from a site. The complaints panel will decide the length of the bar and when it shall be reviewed by the headteacher or chief executive. Further applications to bar an individual from a site (or extend an existing bar) may be made in accordance with the procedure above.
- Undertaking procedures as per further DfE guidance on barring individuals from sites.

## 8 Next Steps

If a complainant believes that the trust or its schools did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties, they can contact the Education and Skills Funding Agency after they have exhausted the steps detailed in this complaints process.

The Education and Skills Funding Agency (ESFA) will not normally reinvestigate the substance of complaints or overturn any decisions made by trusts (except where children are at risk of harm or are missing education). The ESFA will consider whether the trust has adhered to education legislation and any statutory policies connected with the complaint.

Details on how to complaint to the Education and Skills Funding Agency are online - <https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy>.