

**LONDON SOUTH EAST ACADEMIES TRUST  
COMPLAINTS POLICY**

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## **1. Trust Ethos**

All our Academy staff are dedicated to providing all students with the best possible education and will aim to care properly for their health, safety and welfare at all times. We are committed to working closely with parents and believe that every Academy should work in partnership with parents, each carrying out their particular responsibilities to help the students gain the most from their time in statutory education. This procedure pertains to each Academy and all other elements of the organisation as a whole within London South East Academy Trust (“the Trust”).

This complaints procedure is not limited to parents or carers of children that are registered at the Academy. 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), we will use this complaints procedure.

## **2. Policy Statement**

We must be clear about the difference between a concern and a complaint.

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’.

Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints. Concerns ought to be handled if at all possible, without the need for formal procedures and we encourage early discussions within each Academy to take place in an attempt to alleviate concerns and resolve matters promptly. This is referred to as the Informal Complaint Stage of the Trust Complaints Policy.

The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the teacher, the individual delivering a service or School Leaders, will receive the first approach, it is important for this individual to consider the concern objectively and impartially. It is always helpful if staff and or School Leaders, Heads of School, etc are able to resolve issues on the spot, including apologising where necessary and utilising a restorative approach.

In some circumstances it may be appropriate to raise informal concerns directly with a member of the senior leadership team (School Leaders, Heads of School, Assistant Head or Deputy Head). It will then be the responsibility of the senior leadership team member to facilitate a resolution in partnership with all relevant parties which may include a scheduled meeting, restorative approach or mediation. Should an initiated informal concern prove to be more serious, it is the responsibility of the Head of School to initiate the next steps in line with an appropriate response.

There may be 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 in this Complaints policy.

Complaints will only be escalated to the Trust Board where all levels of the tiered approach have been exhausted and no resolution has been reached. These tiered approaches are a reflection of the Trust infrastructure and will not disadvantage the complainant or increase the length of time for resolution.

## **3. How to Raise a Complaint**

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

Complaints against school staff (except the Head of School or Executive Head Teacher) should be made in the first instance, via the Academy Office, marked as Private and Confidential.

Complaints that involve or are about the Head of School or Executive Head Teacher should be addressed to Local Governing Board or Academy Committee Chair, via the school office, marked as Private and Confidential.

Complaints about the Local Governing Board or Academy Committee Chair or any individual Local Community Governor or the Local Governing Board or Academy Committee should be addressed to Group Executive Director Governance (the Clerk to the Local Governing Board or Academy Committee) via the Academy Office, marked as Private and Confidential.

Complaints about the Chief Executive Officer (CEO) or a Trustee of the Trust, should be addressed to Chair of the Trust, via the Executive Director Governance (the Clerk to the Trust Board) marked as Private and Confidential.

For ease of use, a template complaint form is included at the end of this policy. If you require help in completing the form, please contact the Academy office.

You can also ask a third-party organisation for example, Citizens Advice to help you.

In accordance with equality law, the Trust will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

#### **4. Anonymous complaints**

The Trust will not normally investigate anonymous complaints. However, the Head of School, Executive Head Teacher and/or Chair of Local Governing Body or Academy Committee, if appropriate, will determine whether the complaint warrants an investigation.

#### **5. 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. The Trust will consider complaints made outside of this time frame if exceptional circumstances apply.

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

Complaints made outside of term time will be deemed to have been received on the first school day after the holiday period.

#### **7. Scope of the Complaints Procedure**

This procedure covers all complaints about any provision of community facilities or services by [the Trust](#), other than complaints that are dealt with under other statutory procedures, including those listed below.

Admissions to schools	Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.
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.

Whistleblowing	<p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). The Trust has 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>
Staff grievances	Complaints from staff will be dealt with under the Trust's Human Resources internal grievance procedures.
Staff conduct	<p>Complaints about staff will be dealt with under the Trust's Human Resources internal disciplinary procedures, 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>

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, we will inform you of a proposed new timescale.

## 8. The Stages of a Complaint

**Stage One: Informal:** Meeting arranged with staff member or school leader as appropriate.

### **Stage Two: Formal:**

**Step 1:** Complaint heard by the Head of School or designated SLT member or if the complaint relates to Head of School or SLT member the Executive Headteacher will hear the complaint.

**Step 2:** Complaint heard by or Executive Headteacher/Deputy CEO Academies

**Stage Three: Complaints Appeal Panel:** Local Governing Body or Academy Committee.

An unsatisfied complainant can always take a complaint to the next stage.

## 9. Formal Complaints Process

- In the first instance all complaints must be in writing, either via letter or email.
- Receipt of a formal complaint will be acknowledged in writing to the complainant within 3 days of receiving it. This will commence the 'information gathering stage'.
- The 'information gathering stage' must be completed within 10 days of receiving the formal complaint. The complainant will at this stage be notified of the findings and conclusion or will be formally notified that a Formal Investigation will commence where an Investigating Officer will be appointed.
- Depending on the nature of the complaint, the matter should be directed to the appropriate person as defined above in paragraph 3 above How to make a Complaint.

- If the formal complaint relates to the Head of School or Executive Head Teacher or if the complainant remains dissatisfied with the outcome and wishes to take the matter further, then they can escalate to the Chair of the Local Governing Body or Academy Committee where a Complaints Appeal Panel may be convened. This is considered the Appeal Process.
- A Complaints Appeal Panel must be convened within 20 working days from receipt of notification of appeal. Complainants will be invited to attend the Panel with 7 days notice (including weekends) and have the option to be accompanied. Where the complainant involves a member of staff this usually as a witness, they may wish to be supported by a work based colleague or union representative.
- Any written material should be circulated to the Panel at least 3 days prior to the meeting.
- The Panel will consider all evidence presented and can
  - a Uphold the complaint in whole or part
  - b Dismiss the complaint in whole or part
- If the Panel uphold the complaint in whole or part, it can decide on the appropriate action to resolve and can where appropriate, recommend changes to the systems or procedures to prevent similar issues.
- All parties will be notified of the Complaints Panels decision and any recommendations within 20 working days of the hearing concluding.
- All copies of all the written records of the Complaints Panel will be stored in compliance with GDPR 2018.
- The Trust Board will only be involved in reviewing the complaint where the complainant remains unsatisfied or if the Panel concludes a reasonable escalation of the complaint is required. This determination is key in managing effectively vexatious complaints.
- In the event the complaint relates to the CEO or a Trustee or the Trust Board, the formal complaint will be acknowledged within the above timeframes outlined above by the Chair, the Investigating Officer will be the Vice Chair of the Trust.
- If the complaint against the Trust Board requires to be escalated further an Independent Panel will be convened that does not comprise the Trustees or Trust employees.

It is the responsibility of the member of staff or School Leader receiving the complaint to follow the principles and process outlined in this document to ensure fair treatment of both complainant and respondent and to ensure that the complainant, whether staff member, other agency or member of the public is fully advised of the complaints process.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

All correspondence statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

## **10. Complaints Principles**

An effective Complaints Procedure will:

- encourage resolution of problems by informal means wherever possible.
- work in line with data protection legislation and the Trust's privacy statements;
- respect people's desire for confidentiality;

- be simple to understand and use;
- be impartial and non-adversarial;
- allow swift handling with established time-limits for action and keeping people informed of the progress;
- ensure a full and fair investigation by an independent person where necessary;
- address all the points at issue and provide an effective response and appropriate redress, where necessary;
- provide all necessary information and evidence at each stage of the complaint as requested to support swift resolution.

If the complainant remains dissatisfied, the Chair of Local Governors or Academy Committee may seek further quality assurance of the decision made and respond to the complainant jointly with the Chair of the Trust Board with a final outcome.

## **11. Resolving Complaints**

At each stage in the procedure, we will consider ways to resolve a complaint including following an investigation. 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 complained of will not recur;
- retraining.
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review policies and/or processes in light of the complaint.
- initiate alternative formal next steps processes, including but not limited to; HR (and all related policies and procedures).

Complainants should be encouraged to state what actions they feel might resolve the problem at any stage. Failure to state what actions they desire, must not prevent the complaint process from continuing.

An admission that an Academy could have handled the situation better is not the same as an admission of negligence. It is important to clarify any misunderstandings that might have occurred in order to create a positive atmosphere in which to discuss any outstanding issues.

## **12. Roles and Responsibilities**

### **12.1 Complainant**

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

## **12.2 Investigator**

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - interviewing staff and children/young people and other people relevant to the complaint
  - consideration of records and other relevant information
  - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the head teacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- The head teacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

## **12.3 Complaints Co-ordinator**

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, School Leaders, Heads of School, Executive Head Teachers, CEO, Chair of Governors, Chair of Trust or the Clerk as appropriate, and to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
  - sharing third party information
  - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

## **12.4 Clerk to the Local Governing Body or Academy Committee and or Trust Board**

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaints procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example: paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed

timescale

- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

### **12.5 Chair of the Panel**

The Panel Chair who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is recorded
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

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 Chair of the Panel should ensure that the issues are addressed, key findings of fact are made and that all parties attending the panel hearing have the appropriate opportunity to speak.

The Chair of the Panel should ensure that the hearing is conducted in a manner which treats all parties with respect and courtesy and in compliance with the policy processes outlined in paragraph 9 above.

The Chair of the Panel adheres fully to the Complaints Principles outlined in paragraph 10 above.

### **13. Dealing with vexatious, persistent and/or abusive complaints.**

Dealing with a complaint is a straightforward process, but in a minority of cases, people pursue their complaints in a way which can either impede the investigation of their complaint or can have significant resource issues for the Academy. This can happen either while their complaint is being investigated, or once the Academy has finished dealing with the complaint.

We are always committed to dealing with all complaints equitably, comprehensively, and in a timely manner.

We do not expect staff to tolerate unacceptable behaviour by complainants or any visitor to our Academies. Unacceptable behaviour includes behaviour, which is abusive, offensive or threatening and may include:

- *Using abusive or foul language on the telephone*
- *Using abusive or foul language face to face*
- *Sending multiple emails*
- *Leaving multiple voicemails*

We will take action to protect staff from such behaviour. If a complainant behaves in a way that is unreasonably persistent or vexatious, we will follow actions outlined in this policy.

Raising legitimate queries or criticisms of a complaints procedure as it progresses, for example if agreed timescales are not met, should not in itself lead to someone being regarded as a vexatious or an unreasonably persistent complainant.

Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause him or her to be labelled vexatious or unreasonably persistent.

Our aim is to deal with all complainants in ways which are demonstrably consistent, fair and reasonable.

#### **14. Next Steps**

If the complainant believes the school / trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after the Complaints Appeal Panel has concluded and its outcome and recommendations have been provided to the complainant.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by [the Trust](#). They will consider whether the Trust or Academy has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).

The complainant can refer their complaint to the ESFA online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit  
Education and Skills Funding Agency  
Cheylesmore House  
5 Quinton Road  
Coventry  
CV1 2WT

**London South East Academies Trust: Complaint Form**

Please complete and return to Academy Office or Head of School or Clerk to Local Governing Body and/or Clerk to the Trust as appropriate, who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b>  <b>Postcode:</b> <b>Day time telephone number:</b> <b>Evening telephone number:</b> <b>Email address:</b>
<b>Please give details of your complaint, including whether you have spoken to anybody at the school about it.</b>

**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 whom:**

**Complaint referred to:**

**Action taken:**

**Date:**