

COMPLAINTS POLICY & PROCEDURE

Policy Author	Chief Executive/Lead Governance Professional
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RELEVANT ADDRESSES TO SEND COMPLAINT CORRESPONDENCE

Complaints in respect of Brinsworth Academy

Address to:

Principal's PA
Brinsworth Academy
Brinsworth Road
Rotherham S60 3EJ

Email: administration@bri.leap-mat.org.uk

Complaints in respect of Dinnington High School

Address to:

Principal's PA
Dinnington High School
Doe Quarry Lane
Dinnington
Sheffield S25 2NZ

Email: info@din.leap-mat.org.uk

Complaints about:

- **the Principal**
- **Chief Executive**
- **cross-Trust employees**
- **a member (s) of the Local Governing Body/Trustee**
- **or complaints escalated to stage 2**

Address to:

Lead Governance Professional
LEAP Base
Dinnington High School
Doe Quarry Lane
Dinnington
Sheffield S25 2NZ

Email: info@leap-mat.org.uk

Serious Safeguarding Concerns can be forwarded to the Local Authority Designated Officer (LADO)

For Brinsworth Academy - the LADO can be contacted on 01709 823914

For Dinnington High School - the LADO can be contacted on 01709 823914

Who Can Make a Complaint?

Any person, including members of the public, may make a complaint to LEAP Multi-Academy Trust/its schools 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.

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 or statement of dissatisfaction e, 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. LEAP Multi-Academy 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, the school Principal will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the school Principal will refer you to another staff member.

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

How to Raise a Concern or Make 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 Principal) should be made in the first instance, to the school Principal via the relevant school office (details outlined on page two). Please mark them as Private and Confidential.

Complaints that involve or are about the Principal should be addressed to LEAP's Chief Executive (details outlined on page two). Please mark them as Private and Confidential.

Complaints about LEAP schools' Chair of Governors, any individual Governor or the whole Local Governing Body should be addressed to the Lead Governance Professional (details outlined on page two). Please mark them as Private and Confidential.

Complaints about the Chief Executive, a Trustee of the Trust, or cross-Trust employees this should be addressed to the Chair of Trustees, via the Lead Governance Professional (details outlined on page two). Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask a third-party organisation like Citizens Advice to help you.

In accordance with equality law, we 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.

Anonymous Complaints

We will not normally investigate anonymous complaints. However, the Principal, Chair of Governors, Chief Executive or MAT Chair, as appropriate, will determine whether the complaint warrants an investigation.

Timescales

You must raise the complaint **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

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

Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by LEAP Multi Academy Trust/its schools, other than complaints that are dealt with under other statutory procedures, including those listed below:

Exceptions	Who to Contact
<ul style="list-style-type: none">• Admissions to schools	Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.
<ul style="list-style-type: none">• 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. 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) (details outlined on page two)
<ul style="list-style-type: none">• Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions . <i>*complaints about the application of the Behaviour Policy can be made through this complaints procedure which is published on the Trust/its schools' websites</i>
<ul style="list-style-type: none">• Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. 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: www.education.gov.uk/contactus . Volunteer staff who have concerns about our Trust/its schools should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see above), depending on the substance of your complaint.
<ul style="list-style-type: none">• Staff grievances	Complaints from staff will be dealt with under the Trust's internal grievance procedures.

<ul style="list-style-type: none"> • Staff conduct 	<p>Complaints about staff will be dealt with under the Trust's 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>
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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.

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

Resolving Complaints

At each stage in the complaints' procedure, the Trust wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

Informal Complaints

It is to be hoped that most concerns can be expressed and resolved on an informal basis.

Concerns should be raised with a member of staff (such as Form Tutor, Year Leader, subject teacher, etc) as soon as possible. Complainants should not approach individual Governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.

If the issue remains unresolved, the next step is to make a formal complaint.

Stage 1 – Formal Complaints

Formal complaints must be made to the Principal (unless they are about the Principal), via the school office (details outlined on page two). This may be done in person or in writing (preferably on the Complaint Form – see enclosed form).

The Principal will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within **3 school days**.

Within this response, the Principal will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Principal can consider whether an in-person meeting is the most appropriate way of doing this.

Note: The Principal may delegate the investigation to another member of the school's senior leadership team

During the investigation, the Principal (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Principal (or investigator) will provide a formal written response within **20 school days** of the date of receipt of the complaint.

If the Principal (or investigator) is unable to meet this deadline, they will provide the complainant with an update and revised response date.

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/relevant school will take to resolve the complaint.

The Principal (or investigator) will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about the Principal, or a member of the governing body, a suitably skilled governor will be appointed to complete all the actions at Stage 1.

If the complaint is about the Chair or Vice-Chair of the Local Governing Body/Trustees, the majority of the governing body or the entire board of Trustees, the Chief Executive will be appointed to complete all the actions at Stage 1.

If the complaint is about the Chief Executive or cross-Trust employees, it must be referred to the Chair of the Board. In the absence of the Chair, the Vice-Chair will be expected to deputise for the Chair and fulfil their role.

Note: Where the Chair/Vice-Chair of the Trust Board has investigated the complaint, they will write the letter of outcome to the Complainant and provide a copy to the Chief Executive.

Stage 2 – Panel Hearing

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a Panel Hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint with one panel member who is independent of the management and running of the school. This is the final stage of the complaints' procedure.

A request to escalate to Stage 2 must be made to the Lead Governance Professional, via the school office, (details outlined on page two) within **5 school days** of receipt of the Stage 1 response.

The Lead Governance Professional will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within **3 school days**.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Lead Governance Professional will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within **10 school days** of receipt of the Stage 2 request. If this is not possible, the Lead Governance Professional will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Lead Governance Professional will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

If the complaint is:

- about an individual Governor, group of Governors or entire Local Governing Body
- about the Chief Executive or cross-Trust employees
- an individual Trustee

then Stage 2 will be heard by two Trustees not directly involved and/or received prior knowledge of the complaint and an independent panel member.

If the complaint is about the full Board of Trustees, the Lead Governance Professional will arrange for the Stage 2 hearing to be heard by three suitably independent panel members.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the Hearing Panel meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Note: Complaints about staff conduct will not generally be handled under this complaints' procedure. Complainants will be advised that any staff conduct complaints will be considered under (Human Resources) staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend.

At least **5 school days** before the meeting, the Lead Governance Professional will:

- confirm and notify the complainant 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
- request copies of any further written material to be submitted to the Hearing Panel at least **3 school days** before the meeting.

Any written material will be circulated to all parties at least **3 school days** before the date of the meeting. The Hearing Panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The Hearing Panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with either informally or from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place.

Consent will be recorded in any minutes taken of any meetings held via a remote electronic "Teams" platform.

The Hearing Panel will consider the complaint and all the evidence presented. The Hearing Panel can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

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

- decide on the appropriate action to be taken to resolve the complaint

- where appropriate, recommend changes to the Trust/School's systems or procedures to prevent similar issues in the future.

The Chair of the Hearing Panel will provide the complainant and relevant Trust school with a full explanation of their decision and the reason(s) for it, in writing, within **3 school days**.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled 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/relevant school will take to resolve the complaint.

The panel will ensure that those findings and recommendations are (i) sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about and (ii) are available for inspection on school premises by the Trust/Principal.

A written record will be kept of all complaints of (i) whether they are resolved at the preliminary stage or proceed to a panel hearing and (ii) action taken by the Trust/school as a result of those complaints (regardless of whether they are upheld).

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.

Next Steps

If the complainant believes the Trust/its school(s) 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 they have completed Stage 2.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by LEAP Multi-Academy Trust. They will consider whether the Trust/relevant school 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, 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

Unreasonable Complaints

A complaint may be regarded as unreasonable where a complainant refuses to support the investigation process, changes the basis of the complaint as the investigation proceeds, or provides falsified information.

A complainant may be considered unreasonable if they make ongoing or unjustified complaints, seek unrealistic outcomes or use threatening, intimidating or offensive language or behaviour towards staff.

A complainant may also be considered unreasonable where details that pertain to the complaint or to members of staff are published or shared using social media. This list is not exhaustive.

Where a complaint or complainant is deemed to be unreasonable, the Principal will write to the complainant outlining the reason and explaining why the complaint will not be investigated. Complainants may appeal this decision by writing to the Lead Governance Professional within 10 days of receiving this letter, responding to the concerns outlined in the correspondence they have received.

Vexatious Complaints

When all the stages of the complaints procedure have been followed there may be an occasion when the complainant remains dissatisfied and attempts to continue the complaint. In such a case, the Chair of the Trust Board should write to the complainant and inform them the matter has been to appeal and therefore is now closed.

Record Keeping and information sharing

The Academy/Trust (as appropriate) will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, the final outcome and action taken by the Academy/Trust as a result of the complaint (regardless of whether the complaint was upheld). These records will also include copies of letters and emails and notes relating to meetings and phone calls. This material will be treated as highly confidential and stored securely on school premises by the Proprietor and Principal. It will be only viewed only by those involved in investigating the complaint or the appeal panel (if applicable).

This is except where:

the Secretary of State (or someone acting on their behalf) or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

the complainant requests access to records of a complaint through a Freedom of Information (FOI) request or under the terms of Data Protection legislation.

Records of complaints will be kept for a minimum of 6 years.

Link to Mission, Values, Strategic Aims

This policy links specifically to our aim of providing clear governance for our Academies.

Equality Impact Statement

We will do all we can to ensure that this policy does not discriminate, directly or indirectly. We shall do this through regular monitoring and evaluation of our policies. On review we shall assess and consult relevant stakeholders on the likely impact of our policies on the promotion of all aspects of equality, as laid down in the Equality act (2010). This will include, but not necessarily be limited to: race, gender, sexual orientation, disability, ethnicity, religion, cultural beliefs and pregnancy/maternity.

Communications

This policy will be placed on the Trust and Individual Academy web pages.

Complaint Form

Please complete and return to the Principal / Lead Governance Professional as appropriate (details outlined on page two) who will acknowledge receipt and explain what action will be taken.

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

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:

Action taken:

Date:

Roles and Responsibilities

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.

Investigator

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

- completing comprehensive, open, transparent and fair investigation of the complaint
- 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 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 complaints Hearing Panel that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- The Principal or complaints Hearing Panel (as appropriate) will determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Complaints Co-ordinator (Principal's PA)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Principal, Chief Executive, Lead Governance Professional 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.

Lead Governance Professional

The Lead Governance Professional is a contact point for the complainant when considering complaints about the Principal, Chief Executive, cross-Trust employees or a member of the Local Governing Body and stage 2 hearing panels

The Lead Governance Professional should ensure that all people involved in the complaint 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) which includes

- setting the date, time and venue of the stage 2 hearing, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collating any written material relevant to the complaint (for example: stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- recording the proceedings
- circulating the minutes of the meeting
- notifying all parties of the Hearing Panel's decision.

Chair of the hearing panel

The Chair of the hearing Panel, 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 Hearing Panel 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 Hearing Panel is open-minded and acts independently
- no member of the Hearing Panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator as appropriate).

Hearing panel Member

Hearing Panel members should be aware that:

- the meeting must be independent and impartial and should be seen to be so. No governor / Trustee may sit on the Hearing Panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- 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.
- many complainants will feel nervous and inhibited in a formal setting. Parents/carers often feel emotional when discussing an issue that affects their child
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting
- careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated
- the Hearing 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 Hearing 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 Hearing 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 Hearing Panel considers is not in the child/young person's best interests.

- the welfare of the child/young person is paramount.