



LYDIARD PARK ACADEMY

# Complaints Policy

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## Contents Page

<b>Aims of the Policy</b>	<b>Page 3</b>
<b>Application of the Policy</b>	<b>Page 3</b>
<b>Equality Act</b>	<b>Page 3</b>
<b>Terms used</b>	<b>Page 4</b>
<b>Procedure</b>	<b>Page 4</b>
<b>Time Limits</b>	<b>Page 4</b>
<b>Complaints against the Operational or Executive Principal</b>	<b>Page 4</b>
<b>Complaints against the Chair of the Local Advisory Board</b>	<b>Page 4</b>
<b>Late Complaints</b>	<b>Page 4</b>
<b>Vexatious or repeated complaints</b>	<b>Page 5</b>
<b>Anonymous Complaints</b>	<b>Page 6</b>
<b>Data Protection Act</b>	<b>Page 6</b>
<b>Resolution Principles</b>	<b>Page 6</b>
<b>Retention of Records</b>	<b>Page 7</b>
<b>Confidentiality</b>	<b>Page 7</b>
<b>Stage One: Concerns and Difficulties</b>	<b>Page 7</b>
<b>Stage Two: Formal Complaint to the Operational Principle</b>	<b>Page 8</b>
<b>Stage Three: Review by the Executive Principal</b>	<b>Page 9</b>
<b>Stage Four: Complaint Panel Hearing</b>	<b>Page 10</b>
<b>Complaints form</b>	<b>Page 13</b>

## **Aims of the Policy**

The Policy's aim is to ensure that a concern, difficulty or complaint is managed sympathetically, efficiently and at the appropriate level and resolved as soon as possible. Doing so is good practice, fair to those concerned and helps to promote parents' and pupils' confidence in the Academy's ability to safeguard and promote welfare. The Academy will try to resolve every concern, difficulty or complaint in a positive way with the aim of putting right a matter which may have gone wrong and, where necessary, reviewing the Academy's systems and procedures in the light of the matters raised.

The Academy needs to know as soon as possible if there is any cause for dissatisfaction. The Academy recognises that a concern or difficulty which is not resolved quickly and fairly can soon become a cause of resentment, which can be damaging to the relationship between the Academy and the parent and pupil, and can also have a detrimental effect upon the Academy's ethos and culture. Parents and pupils should never feel – or be made to feel – that raising a concern, difficulty or complaint will adversely affect the pupil's future at the Academy, or place the pupil at a disadvantage in any way.

## **Application**

This Complaints Policy applies to all concerns and complaints of the parents of pupils at the Academy, other than those involving safeguarding and child protection issues, or relating to admissions, exclusions and SEN, for which there are separate statutory procedures. Where a complaint is made against a member of staff, depending upon the nature and seriousness of the complaint, the matter may be dealt with under separate HR procedures which are strictly confidential, rather than under this Complaints Policy.

This Complaints Policy distinguishes between a concern or difficulty, which can usually be resolved informally, and a formal complaint which will require further investigation.

The Academy will ensure that all concerns, difficulties or complaints are dealt with in accordance with the following principles:

- When establishing the facts in relation to a complaint, all persons investigating and making decisions in relation to the matters raised must apply the civil standard of proof; i.e. 'on the balance of probabilities' it is more likely than not that a fact is true rather than the criminal standard of 'beyond reasonable doubt';
- All persons investigating and making decisions in relation to the matters raised will be impartial and will do so without bias to any party involved;
- All decisions made will be made on a balanced and considered assessment of the information before him or her only;
- All decisions made will be based upon logical conclusions, and not based on mere speculation or suspicion;
- All decisions made will be supported by detailed reasons which will be disclosed to all parties involved.

## **Equality Act 2010**

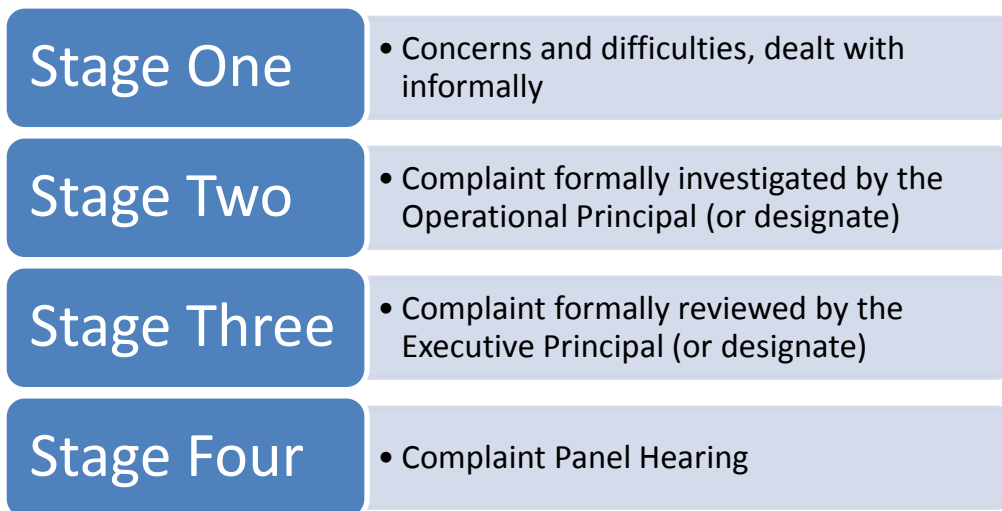
The Academy will deal with concerns, difficulties and complaints in accordance with its duty under the Equality Act 2010.

## Terms Used

For the purpose of this Complaints Policy, a “parent” includes the natural or adoptive parent or guardian of a pupil, irrespective of whether they are or ever have been married, whether they are separated or divorced.

## Procedure

The Academy’s complaints procedure consists of four stages:



## Time Limits

The Academy aims to resolve concerns, difficulties and complaints in a timely manner. Time limits for each stage of the procedure are set out under each individual stage.

Although every effort will be made by the Academy to comply with the time limits specified under each stage of the procedure, it may not always be possible to do so, for example due to the complexity or number of matters raised, or due to the unavailability of the Complainant or a panel to attend a meeting.

## Complaints against the Operational or Executive Principal

If a complaint is about the conduct of the Operational Principal, the Executive Principal will investigate the complaint under Stage 2 of this Complaints Policy instead of the Operational Principal. The Chair of the Local Advisory Board will investigate the complaint under Stage 3 of the policy.

If a complaint is about the conduct of the Executive Principal, the Chair of Trustees will investigate the complaint under Stage 2 of this Complaints Policy instead of the Operational Principal. The Vice-Chair of Trustees will review the complaint under Stage 3 of this Complaints Policy instead of the Executive Principal.

## Complaints against the Chair of the Local Advisory Board

If a complaint is about the conduct of the Chair of the Local Advisory Board, the normal process shall be followed but they shall not be involved in forming a panel if the complaint reaches Stage 4.

## Late Complaints

Where a complaint is submitted more than six months after the incident or event (or where the complaint relates to a series of incidents or events, more than six months from the date of the latest

incident or event), the Academy reserves the right to refuse to investigate the complaint under this Complaints Policy if it appears reasonable and fair to do so.

Where the Academy decides that a complaint which was submitted late will not be investigated, the Academy will write to the Complainant notifying them of the decision within 7 Academy days of the complaint being received.

If the Complainant is unhappy with the decision not to investigate a complaint which was submitted late, the Complainant may write to the Executive Principal at the Academy asking for the decision to be reviewed. The Executive Principal will be provided with all documentation relating to the complaint, together with the letter from the Academy to the Complainant, and will review the decision not to investigate the complaint. The Executive Principal will not investigate the complaint itself during this review.

The Executive Principal will write to the Complainant with the outcome of the review within 10 Academy days of the date that the letter from the Complainant seeking the review was received, and provide the Academy with a copy of the letter.

If the Executive Principal quashes the decision not to investigate the complaint, it will be referred to the Academy to be dealt with under this Complaints Policy in the usual way.

If the Executive Principal upholds the decision not to investigate the complaint, the Complainant may refer the concern or complaint to the Education Funding Agency using the procedure stated towards the end of this Complaints Policy.

### **Vexatious or Repeated Complaints**

There may be occasions when, despite a complaint being considered under all stages in this Complaints Policy, the Complainant persists in making the same complaint to the Academy. There may also be occasions when a Complainant raises unreasonable persistent complaints or raises complaints about matters which do not affect them. There may also be occasions when a complaint is made about a matter which is clearly so trivial that it would be a waste of the Academy's resources to deal with it under the formal stages of the procedure.

In all of these cases, the Academy reserves the right to regard the complaint as vexatious and/or repeated and to refuse to investigate it under the procedure in this Complaints Policy, if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.

Where the Academy decides that a complaint is vexatious and/or repeated and will not be investigated, the Academy will write to the Complainant within 7 Academy days of the complaint being raised to notify them of the decision.

If the Complainant is unhappy with the decision not to investigate a vexatious and/or repeated complaint, they may write to the Chair of the Local Advisory Board to ask for the decision to be reviewed.

The Chair of the Local Advisory Board will be provided with all documentation relating to the current complaint and any previous complaints which were relevant to the decision, together with the letter from the Academy to the Complainant, and will review the decision not to investigate the complaint. The Chair of the Local Advisory Board will not investigate the complaint itself during this review.

The Chair of the Local Advisory Board will write to the Complainant with the outcome of the review within 10 Academy days of the date that the letter from the Complainant seeking the review was received.

If the Chair of the Local Advisory Board quashes the decision not to investigate the concern or complaint, it will be referred to the Academy to be dealt with under the procedure in this Complaints Policy in the usual way.

If the Chair of the Local Advisory Board upholds the decision not to investigate the concern or complaint, the Complainant may refer the concern or complaint to the Education Funding Agency using the procedure stated towards the end of this Complaints Policy.

In exceptional circumstances, the Chair of the Local Advisory Board can delegate the responsibility for the review to the Vice-Chair of the Local Advisory Board.

### **Anonymous Complaints**

The Academy will not investigate anonymous complaints under the procedure in this Complaints Policy. Anonymous complaints will be referred to the Operational Principal who will decide what, if any, action should be taken.

### **Data Protection Act 1998 and Freedom of Information Act 2000**

Complaints sometimes include requests for information or documentation. Such requests will be directed to the Academy's Data Protection Policy and Freedom of Information Policy.

### **Resolution Principles**

It is in everyone's interest that concerns, difficulties and complaints are resolved to the satisfaction of all parties at the earliest possible stage. The way in which the concern, difficulty or complaint is dealt with after the matter is first raised by the Complainant can be crucial in determining whether the complaint will escalate. To that end, members of staff will be periodically made aware of the procedure in this Complaints Policy, so that they will know what to do when a concern, difficulty or complaint is raised with them.

At each stage of the complaints procedure, the investigator will consider how the complaint may be resolved. In considering how a complaint may be resolved, the investigator will give due regard to the seriousness of the complaint. It may be appropriate in order to bring the complaint to a resolution for the investigator to offer:

- An explanation;
- Reassurance that steps have been taken to prevent a recurrence of events which led to the complaint;
- Reassurance that the Academy will undertake a review of its policies and procedures in light of the complaint.

**None of the above will constitute an admission of negligence or an acceptance of liability on behalf of the Academy.**

### **Retention of Records**

A full written record will be maintained centrally at the Academy of all concerns, difficulties and complaints, whether they are resolved informally under Stage 1, or dealt with formally under Stages 2 to 4.

Records of concerns, difficulties or complaints will be destroyed when the pupil to which they relate reaches the age of twenty four years or, in the case of a pupil with a statement of special educational needs, when the pupil reaches the age of thirty years.

## **Confidentiality**

All correspondence, statements and records relating to individual concerns, difficulties or complaints will be kept confidential except where access is requested by the Secretary of State, an Academy inspector, or under another legal authority.

## **Publication**

This Complaints Policy has been ratified by the Local Advisory Board and the Board of Trustees, and will be reviewed annually. It will be published on the Academy's website and provided to parents and pupils on request by the Academy's office. A copy of this Complaints Policy will be provided to a Complainant when a concern, difficulty or complaint is first raised.

## **Stage 1: Concerns and Difficulties**

### **1. Concerns:**

The Academy expects that most concerns and difficulties, where a parent or pupil seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Examples might include dissatisfaction about some aspect of teaching or pastoral care, allocation of privileges or responsibilities, a timetable clash, an issue with the Academy's systems or equipment, or a billing error.

### **2. Notification:**

The concern or difficulty should be raised as follows:

- Education issues – if the matter relates to the classroom, the curriculum or special educational needs, the Complainant should speak to the Class Teacher, Head of Year or Vice Principal as appropriate.
- Pastoral care – for concerns relating to matters outside the classroom, the Complainant should speak to the Tutor, Head of Year, or Vice Principal as appropriate.
- Disciplinary matters – a problem over any disciplinary action taken or a sanction imposed should be raised with the member of staff who imposed it in the first instance. If not resolved, the Complainant should speak to the relevant Head of Year, or Vice Principal.
- Financial and administrative matters – a query relating to fees, extras or other administrative matters should be raised by the Complainant with the Finance Office or the Academy Business Manager.
- An issue with a specific member of staff – often, the best way to resolve an issue with a specific member of staff is to raise it with that member of staff directly, so that they are given the opportunity to address and resolve the concern or difficulty before it becomes a formal complaint. If the Complainant feels uncomfortable doing this, however, the issue should be raised with the Vice Principal.

Should a concern or difficulty be raised with a member of staff who feels that they are not the best person to be dealing with it, they will refer it to the Head of Year or Vice Principal or other designated member of staff as appropriate.

If a concern or difficulty is raised with a member of staff who feels that it raises serious issues which should be dealt with as a formal complaint immediately, the member of staff will tell the Complainant that they should put their complaint in writing to the Operational Principal under Stage 2 of this Complaints Policy.

### **3. Unresolved Concerns and Difficulties**

The Academy will aim to resolve a concern or difficulty within 15 Academy days of the date that it was raised. Where a concern or difficulty has not been resolved by informal means within this time limit from the date that it was raised, the Complainant can submit the matters raised as a formal complaint under Stage 2 of this Complaints Policy.

### **4. Record of Concerns and Difficulties**

The member of staff dealing with a concern or difficulty will make a written record of the issues raised, the action taken and, if applicable, the resolution reached, which will be retained in a central record. Further information in relation to the retention of records can be found earlier on in this Complaints Policy.

## **Stage 2: Formal Complaint to the Operational Principal**

### **1. Notification**

A concern or difficulty raised under Stage 1 of this Complaints Policy which remains unresolved after 15 Academy days, or a serious matter which requires formal investigation from the outset, should be set out in writing and sent to the Operational Principal at the Academy. Should a formal written complaint be received by another member of the Academy's staff, it will immediately be passed on to the Operational Principal.

The Complainant should clearly set out the matters in dispute, the relevant dates, the full names of the persons involved and what the Complainant believes the Academy should do to resolve the complaint. Any documentation relied upon by the Complainant should be attached to the formal complaint.

### **2. Acknowledgement**

The formal complaint will be acknowledged in writing within 7 Academy days of receipt. The acknowledgement letter will confirm the date that the formal complaint was received and the action to be taken.

### **3. Investigation**

The Operational Principal will be provided with the records of the Stage 1 informal procedure (if applicable) within 7 Academy days of receipt of the formal complaint, and will then proceed to investigate the complaint. This will involve obtaining and considering all documentation held by the Academy which is relevant to the complaint. If further information is required from the Complainant, this may be requested from them over the telephone or in writing.

The Operational Principal will speak to the persons who were involved in the matters raised by the Complainant. Pupils will only be spoken to with an independent member of staff present to support them. Where there is an issue about the conduct of a member of staff, that member of staff will be offered the option of having another member of staff present.



Other members of staff will be spoken to alone. A written record of the conversation will be made, and the pupil or member of staff spoken to will be asked to read, sign and date the written record to confirm that it is accurate. In the case of pupils, the accompanying independent member of staff will also be asked to sign and date the record of the conversation.

If the Operational Principal deems it to be appropriate in relation to the matters raised, the Complainant will be offered a meeting to discuss the issues raised. This may take place at the beginning of the investigation to clarify any matters which are unclear, or after the investigation has taken place with the aim of reaching an amicable resolution.

#### **4. Outcome**

The Operational Principal will write to the Complainant confirming the outcome of the investigation within 20 Academy days from the date that the complaint was received. The letter will set out the individual matters raised by the Complainant, the findings made by the Operational Principal during the course of the investigation, and the conclusion reached.

The letter will inform the Complainant that, if they are unsatisfied with the outcome of the Stage 2 investigation, they should write to the Company Secretary of the Trust within 5 Academy days of receipt of the letter asking for their complaint and the Stage 2 investigation to be reviewed by the Executive Principal under Stage 3 of this Complaints Policy.

Where the complaint was received during an Academy holiday or within 20 days from the end of a term or half term, the Operational Principal will endeavour to expedite the investigation wherever possible.

#### **5. Delegation**

In appropriate cases, the Operational Principal may delegate the complaint to a member of the Senior Leadership Team to deal with in accordance with the procedure outlined above.

### **Stage 3: Review by the Executive Principal**

#### **1. Notification**

If the Complainant is unsatisfied with the outcome of the complaint under Stage 2 of this Complaints Policy, the Complainant may write to the Company Secretary asking for the complaint to be reviewed by the Executive Principal, within 5 Academy days of receiving the letter confirming the outcome following Stage 2.

The Complainant should not repeat the matters raised in their original letter or attach documentation already provided, but should clearly set out how and why the Complainant does not accept the findings made under Stage 2.

#### **2. Acknowledgement**

The Complainant's letter will be acknowledged within 7 Academy days of receipt. The acknowledgement letter will confirm the date that the formal complaint was received and the action to be taken.

### **3. Review**

The Executive Principal will be provided with all documentation relating to the complaint within 5 Academy days of receipt of the letter requesting a review under Stage 3, including the record of the Stage 1 informal procedure (if applicable), the original letter of complaint or Complaint Form, any documentation provided by the Complainant with their complaint, all investigation records under Stage 2, and the letter of outcome under Stage 2.

The Executive Principal will review all of the documentation received and consider the matters raised in complaint and the investigation carried out under Stage 2. The Executive Principal will only speak to the persons involved in the matters raised to clarify matters which were not confirmed during the Stage 2 investigation, if believed necessary. Where the Executive Principal does speak to a pupil or a member of staff whose conduct is in issue, they will be accompanied as outlined under Stage 2.

If the Executive Principal deems it to be appropriate in relation to the matters raised, the Complainant will be offered a meeting to discuss the issues raised. If a meeting is deemed appropriate, it will usually take place after the review has been completed with the aim of reaching a mutually acceptable resolution.

### **4. Outcome**

The Executive Principal will write to the Complainant confirming the outcome of the review within 20 Academy days from the date that the request for a review was received. The letter will set out whether the Executive Principal agrees with the findings and conclusion under Stage 2, and give reasons, as well as responding to any criticisms of the Stage 2 investigation.

The letter will inform the Complainant that, if they are unsatisfied with the outcome of the Stage 3 review, they should write to the Clerk to the Local Governors within 5 Academy days of receipt of the letter requesting a Complaint Panel Hearing under Stage 4 of this Complaints Policy.

Where the request for a review was received during an Academy holiday or within 20 days from the end of a term or half term, the Executive Principal will endeavour to expedite the review wherever possible.

### **5. Delegation**

In appropriate cases, the Executive Principal may delegate the review to the Chair of Trustees to deal with in accordance with the procedure outlined above.

## **Stage 4: Complaint Panel Hearing**

### **1. Notification**

If the Complainant is unsatisfied with the outcome of the review under Stage 3 of this Complaints Policy, the Complainant may write to the Clerk to the Local Governors requesting a Complaint Panel Hearing. The Complainant should write to the Clerk to the Local Governors within 5 Academy days of receiving the letter confirming the outcome following Stage 3.

The Complainant should not repeat the matters raised in their original letter or attach documentation already provided, but should clearly set out how and why the Complainant does not accept the findings made under Stages 2 and 3.

## **2. The Complaint Panel**

The Complaint Panel will consist of three persons appointed by or on behalf of the Trust by the Clerk to the Local Governors. None of the three Complaint Panel members will have been involved in the matters which gave rise to the complaint, have been involved in dealing with the complaint previously or have any detailed prior knowledge of the complaint.

## **3. Attendance**

The Complainant may attend the Complaint Panel Hearing, and may be accompanied by another person. For the avoidance of doubt, the Complainant's supporter will be present for moral support only and will not play any part in the proceedings, unless invited to do so by the Chair of the Complaint Panel, entirely at his or her discretion and for a good reason. The Complaint Panel Hearing is not a legal hearing and it is not appropriate for either the Complainant or the Academy to be legally represented.

The Complaint Panel Hearing will be minuted by the Clerk to the Complaint Panel, who will usually be the Clerk to the Local Governors.

## **4. Convening the Complaint Panel Hearing and acknowledging the complaint**

After receiving the request, the Clerk to the Local Governors will write to the Complainant within 7 Academy days acknowledging receipt of their request. The Clerk to the Local Governors will convene a Complaint Panel and liaise with the Panel, the Complainant and the Academy's Representative to agree a mutually convenient date for the Complaint Panel Hearing, which will usually take place within 20 Academy days of receipt of the Complainant's request, unless there are exceptional circumstances.

## **5. Documentation**

The Clerk to the Local Governors will forward a copy of all paperwork relating to the complaint (consisting of the record of the Stage 1 informal procedure (if applicable), the original letter of complaint or Complaint Form, any documentation provided by the Complainant with their complaint, all investigation records under Stage 2 with the letter of outcome, all review records under Stage 3 with the letter of outcome, and the Complainant's letter requesting a Complaint Panel Hearing and accompanying documents) to the Complainant, the Academy's Representative and the three Complaint Panel members.

If the Complainant wishes the Complaint Panel to consider any additional information, they should forward this documentation to the Clerk to the Local Governors to arrive at least 5 Academy days before the Complaint Panel Hearing, to enable the Clerk to the Local Governors to forward it to the Academy's Representative and the Complaint Panel members.

## **6. Witnesses**

The Chair of the Complaint Panel will decide, at his or her absolute discretion, which witnesses will be permitted to attend the Complaint Panel Hearing to give a verbal statement rather than relying on a written statement or record of meeting which have been signed by the witness.

If the Complainant wishes to rely on the account of a witness, they should ask the witness to write down, sign and date their account and forward it to the Clerk to the Local Governors at least 5 Academy days before the Complaint Panel Hearing, to enable the Clerk to the Local Governors to forward it to the Academy's Representative and the Complaint Panel members.

Witnesses under the age of eighteen other than the Complainant's own family will only be allowed to attend the Complaint Panel Hearing at the discretion of the Chair of the Complaint Panel, and then only if they are accompanied by one of their parents or carers. Any written accounts provided by the Complainant relating to witnesses under the age of eighteen must be signed and dated by the witness and one of the witness' parents or carers.

Members of staff of the Academy involved in the matters which gave rise to the complaint will usually have provided a signed written account or have signed a note of a meeting during the previous stages, which will be forwarded to all parties with the other complaint documentation in the usual way. Members of staff will not usually be required to attend the Complaint Panel Hearing to give a verbal statement unless their conduct is in issue or their account is contentious and the rules of natural justice dictate that the Complainant should be allowed to ask that member of staff questions.

## **7. Notification of the Complaint Panel's Decision**

The Clerk to the Local Governors will write within 10 Academy days of the Complaint Panel Hearing to the Complainant.

The letter will identify each of the issues complained about, summarise how the Complaint Panel Hearing proceeded, and confirm each of the Complaint Panel's findings of fact and recommendations, if any, with reasons

The Clerk to the Local Governors will also ensure that a copy of the Complaint Panel's findings and recommendations are made available on the Academy's premises for inspection by the Trust, the Local Advisory Board and the Operational Principal.

## **8. Referral to the Education Funding Agency**

Once a complaint has been through all the stages of this Complaints Policy, if the Complainant believes that the Academy has not followed the procedure in this Complaints Policy, the Complainant can refer the complaint to the Education Funding Agency for consideration.

The Complainant can find further information about referring a complaint to the Education Funding Agency by pasting this link into an Internet browser:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/557407/Complain\\_about\\_an\\_academy.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/557407/Complain_about_an_academy.pdf)

The Complainant should be aware that the Education Funding Agency will not usually investigate the complaint itself, or interfere with the findings of the Complaint Panel, unless the decision made was manifestly unreasonable.



## LYDIARD PARK ACADEMY

### Formal Complaint Form

<p>Please complete and return to the Academy who will acknowledge receipt and explain what action will be taken.</p> <p><b>Please use additional paper if required.</b></p>	<p>Pupil's Name:</p> <p>Your Name:</p>
<p>Your Relationship to Pupil:</p>	<p>Pupil's DOB and Tutor Group:</p>
<p>Address and Postcode:</p> <p>Email:</p>	<p>Daytime Telephone Number:</p>
<p>Evening Telephone Number:</p>	
<p>Full details of complaint (including the names of all persons involved and the dates of incidents referred to):</p>	
<p>What action, if any, have you already taken to try and resolve your complaint (for example, who did you speak to and what was the response)?</p>	
<p>What actions do you feel might resolve the problem at this stage?</p>	
<p>Are you attaching any paperwork? If so, please give details.</p>	
<p>Signature:</p>	<p>Date:</p>
<p><i>For Official Use:</i></p>	
<p><i>Date Acknowledgement Sent:</i></p>	
<p><i>Name of Person Complaint Referred To:</i></p>	