



L.E.A.D. Academy Trust

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Complaints Policy and Procedure

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Policy Statement

Introduction

This statement sets out the legal framework, the definitions and our policy expectations.

L.E.A.D. Academy Trust requires this policy to be implemented by all its member academies which has been adapted to meet the requirements of L.E.A.D. Teaching School Hub.

L.E.A.D. Teaching School Hub Lincolnshire is committed to its vision, supporting schools to invest in their workforce in order to grow, recruit, develop and retain the very best teachers, support staff and leaders. This is with a view to complementing the internal support already offered by the educational setting. The role of the Hub is to promote the importance of high-quality continuing professional development from Initial Teacher Training through to executive leadership, supporting teachers throughout their career in a sequential and cohesive way. The Teaching School Hub is designated to work with schools across Lincolnshire and across L.E.A.D. Academy Trust.

L.E.A.D. Teaching School Hub is committed to providing the best service possible in line with our vision and values and the TSHC code of conduct. We therefore commit to use complaints as an opportunity to re-examine systems and services and, through feedback to the complainant, showing that we are responsive to their concerns.

As a Trust and Teaching School Hub, we are committed to working in partnership with all members of the education community. We place great value on the role that leaders, teachers and support staff play in promoting both high quality learning and essentially the welfare of pupils. Equally, we place great value in the partnerships which are formed with a number of educational bodies such as initial teacher training providers, other Teaching School Hubs, the Local Authority, CEO and MAT leaders, Curriculum Hubs and the Diocese. These partnerships are wide reaching and essential in the success and delivery of services from L.E.A.D. Teaching School Hub.

In line with the core values held by the Teaching School Hub, we actively encourage a positive relationship between all parties- partners and schools. The behaviours through which we operate are outlined below.



We recognise however that, on occasion, there may be times when partners including schools have concerns about aspects of the Teaching School Hub's work, systems or services. When this happens, it is important that these concerns (and, if appropriate, complaints/grievances) are raised as quickly as possible. It is for this reason that we have developed this policy and procedure.

Our Policy requires the Teaching School Hub to make every effort to resolve a concern/complaint at local level. L.E.A.D. Teaching School Hub will deal with a concern/complaint raised objectively and as quickly, sympathetically and effectively as possible. Our aim is to address all concerns/complaints as soon as possible after they arise and to resolve matters amicably at an early stage. With that in mind, complainants will be asked at the outset what they think might resolve the issue. For this reason, we have a Five-Stage Procedure which we follow in the event of a complaint or grievance.

Legal Framework

The Policy and Procedure is compliant with the requirements of The Equality Act 2010.

The procedure follows the Department for Education's guidance:
<https://www.gov.uk/government/publications/setting-up-an-academies-complaintsprocedure/putting-in-place-a-complaints-procedure>

Complaints Procedure

Concern or Complaint?

The Department of Education best practice guidance (January 2016) distinguishes between a **concern**:

“an expression of worry or doubt over an issue considered to be important and for which reassurances are sought”

and a **complaint**:

“an expression of dissatisfaction however made, about actions taken or a lack of action”.

This procedure is designed having regard to this guidance. Furthermore, this procedure refers to ‘complainants’ who, for the purpose of this procedure, should be taken to include both those who raise concerns and complaints.

What to do if you have a concern or a complaint:

The academy Complaints procedure is a Four-Stage Process:

Stage 1: Concern/complaint heard by staff member e.g. the CPD lead/Operations Manager (Informal stage)

Stage 2: Concern/complaint heard by the Director of the Teaching School (formal stage)

Stage 3: Complaint heard by Independent Hub complaints panel (formal stage)

Stage 4: Complaint heard by L.E.A.D. Academy Trust (formal stage)

In line with the policy of the L.E.A.D. Academy Trust, the Teaching School Hub endeavours to ensure that any concern or complaint is dealt with promptly and fairly. L.E.A.D. Academy Trust, all staff and our Partnership Board members are aware of the importance of dealing with concerns/complaints immediately they are raised. It is therefore important that, if you wish to raise a concern/complaint, you should do so as soon as practicable. This should be in writing (by letter or e-mail), or in person if written notes are taken during any meeting relating to the complaint and which can be countersigned by the complainant. This will enable the issue to be investigated effectively and whilst information is fresh in the minds of all parties.

Note

1. Complainants are asked to note that:

- *the Teaching School Hub will keep a written record of all concerns and complaints, including whether a complaint is resolved following the formal procedure or whether it proceeds to a panel hearing and actions taken by the academy (i.e. whether a complaint is upheld or not and efforts to resolve the complaint);*
- *all complaints raised will be dealt with in confidence. Effort will be made to ensure that correspondence, statements and records relating to the individual complaints are to be kept*

confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them;

- *anonymous complaints will not usually be investigated except in exceptional circumstances. This is due to the absence of a complainant to respond to;*
- *if the complaint concerns the conduct of the Teaching School Hub Director, it will be dealt with initially at Stage 3 of this procedure;*
- *a concern/complaint will not be referred to the next stage unless and until the previous stage of this procedure has been completed;*
- *the local authority has no role in consideration of complaints relating to the Teaching School Hub*
- *if a complaint relates to a member of staff and includes any of the following it will (and must) be considered in accordance with the Trust and Teaching School Hubs safeguarding and HR procedures:*
 - *behaviour in a way that has harmed a child, or may have harmed a child;*
 - *possible commission of a criminal offence against or related to a child; or*
 - *behaviour towards a child or children in a way that indicates that he or she may pose a risk of harm if they work regularly or closely with children.*
- *Complainants will be advised of the outcome of their complaints. However, complainants **will not** be advised of any disciplinary action that may be taken against staff members of the Teaching School Hub or Trust.*

Stage 1: Concern/complaint heard by staff member

The purpose of this stage is to seek to resolve any concern/complaint as quickly as possible. This stage is to be considered 'informal'

In the first instance, a complainant should discuss the concern/complaint with the member of staff concerned. The aim will be to resolve any concern/complaint at this stage. However, if a complainant feels unable to approach the member of staff involved, the concern/complaint must be made direct to the Teaching School Hub lead, who will arrange for another member of staff to investigate the concern/complaint (for the avoidance of doubt, the referral to the Director of the Teaching School Hub and subsequent appointment of another member of staff will not be treated as at Stage 2).

The member of staff who investigates the concern/complaint will:

- invite the complainant(s) to suggest what they think might resolve the concern/complaint;
- subject to discussion of any suggestions made, investigate the concern/complaint; and
- where the concern/complaint is investigated advise the complainant (in writing) of their findings and conclusions.

The investigation will be objective, impartial and fair.

Timescales for Stage 1: normally, we would expect this stage to be resolved within five school days.

Stage 2: Concern/complaint heard by the Teaching School Hub Director

This stage applies when a complainant is not satisfied with the way the concern/complaint was dealt with at the informal Stage 1. The purpose of this stage is to provide reassurance that concern/complaints will be taken seriously.

The aim of the Teaching School Hub Director will be to resolve at Stage 2 the concern/complaint as quickly as and as amicably as possible.

If the complainant wishes to pursue a complaint to Stage 2, where it will be considered 'formal', they must make the complaint in writing to the Teaching School Hub Director. This should be within ten school days of Stage 1 being concluded. The written complaint should be concise and specify precisely what the complainant's ground(s) of complaint are and the outcome(s) sought

While the Teaching School Hub Director may ask another member of staff to collate and/or verify information concerning the complaint, it is the Teaching School Hub Director that will determine the outcome of the complaint at this stage.

The Teaching School Hub Director will normally:

- meet the complainant, hear the complaint, investigate and make every effort to resolve the issue;

- write to the complainant summarising the findings and outcome from the investigation.

Timescale for Stage 2: normally we would expect this stage to be completed within ten school days of receipt of the letter from the complainant.

Stage 3: Complaint heard by the Independent Complaints Panel

The purpose of this stage is to provide a further opportunity to seek to resolve the complaint. This stage may involve mediation as a form of dispute resolution.

If the complainant is not satisfied with the outcome from Stage 2, they must write to **Admin@leadtshub.co.uk**

The letter must explain precisely why the complainant is not satisfied with the outcome of Stages 1 and 2 and must provide the complaints panel with:

- a copy of the written complaint; and
- a copy of the Teaching School Hub Director's letter/email concluding Stage 2.

Stage 4: Complaint heard by L.E.A.D. Academy Trust

Where a complainant proceeds to Stage 4, the complaint will be heard through the complaints process at L.E.A.D. Academy Trust. This includes formal complaints relating to staff at L.E.A.D. Teaching School Hub.

Procedure at a Complaints Panel Meeting

The arrangements for the Complaints Panel meeting will be made by the Teaching School Hubs Operation Manager who will also be present throughout the meeting and who will:

- agree the arrangements for the meeting
- provide the all members of the Complaints Panel with an agenda setting out the procedure for the meeting together with relevant documentation relating to the complaint. This will include a report from the Teaching School Hub Director and all prior documentation, where produced, from the complainant or Hub. Complaints Panel members will receive the documents at least seven working days before the meeting;
- produce a summary record of proceedings at the meeting.

Mediation Meeting

If the independent complaints panel considers that a mediation meeting would be helpful in resolving the issue, s/he may convene a meeting between the complainant and appropriate staff member/s.

A complaints panel member/s will preside at the meeting, the aim of which will be to identify an agreed solution to the issues raised by the complainant.

The complaints panel will:

- consider all documentation relating to the complaint;
- invite the complainant to explain to the Complaints Panel why they remain dissatisfied if this is necessary;
- invite the complainant(s) to suggest what they think might resolve the issue; and
- invite the Teaching School Hub Director to attend the Complaints Panel meeting and to respond on behalf of the Hub if necessary;
- make findings and, where appropriate, recommendations. A copy of the findings and any recommendations will be provided to the complainant and, where relevant, the person complained about.

The Outcome

The Complaints Panel will write to the complainant confirming the actions agreed at and/or any outcome from the Panel meeting. At this stage the Chair may decide on one of the following options:

Option 1: Complaint upheld

Where this is the case the complaints panel via the Operations Manager will notify the complainant of the proposed solution in writing.*

Option 2: Complaint not upheld

Where this is the case the complaints panel will notify the complainant of their reasons for not upholding the complaint in writing. *

**Where the panel elects for Option 1 or Option 2, and where the complainant is not satisfied with the decision or the solution proposed, the complainant may proceed to Stage 4 of this procedure.*

Option 3: Complaint not reasonable OR continuation with the complaint would not be reasonable

Where, after careful consideration of the case, the panel considers:

- the outcome of the review(s) of the complaint;
 - the nature of the complaint;
 - the action(s) taken by the Teaching School Hub to resolve the matter; and
 - the outcome from the mediation meeting (if applicable) and,
- Where the Panel elects for Option 3 they will:
 - a) specify the reasons for this
 - b) make a recommendation

Confidentiality

Efforts will be made to ensure that confidentiality is maintained for all concerned. Information should be handled and disseminated on a “need to know” basis only, however, correspondence, statements and records relating individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them.

The Teaching School Hub and L.E.A.D. Academy Trust is committed to data protection at all times for all parties. All confidential information will be stored securely on academy/Trust premises and is managed in accordance with the GDPR Policy.

APPENDIX 1: Complaints Not Covered by the Procedure

Issues not covered by this Procedure	Whom to Contact
Whistleblowing	All L.E.A.D. academies have an internal Whistleblowing procedure for employees and voluntary staff. Refer to the Whistleblowing policy.
Staff Grievances and Disciplinary Procedures	These matters will be dealt with by the disciplinary procedures of L.E.A.D. Academy trust. The outcome of these procedures will remain confidential.
Complaints relating to the services provided at Hub premises by third party providers	Third party providers are required, as a condition of providing services/facilities at the Hub, to have their own complaints procedure. Third party providers must be contacted directly unless the matter involves a Safeguarding issue in which case the matter should also be raised with the Teaching School Hub directly

Unreasonable complaints and unacceptable behaviours

Whilst the Teaching School Hub will always respond positively to concerns and/or complaints, there may be occasions when it would not be appropriate for the Hub to follow this procedure or when the Hub takes the view that the procedure should be brought to a close. For example:

- where the complainant is considered unreasonable: the Trust sets out examples of behaviour it considers unreasonable in Appendix 2;
- where this complaints procedure has been exhausted, the issue closed and the complainant seeks to raise the same or similar issues again;
- where the Teaching School Hub believes it has made every reasonable step to address the reasonable concerns of the complainant.
- where the Teaching School Hub believes that the complainant is intent on causing disruption or inconvenience; or
- where the complainant demonstrates abusive or aggressive behaviour towards the Teaching School Hub or any member of staff at the Teaching School Hub.

Ultimately, if a complainant persists in pursuing a complaint to the point where the Teaching School Hub considers that the behaviour of the complainant constitutes harassment, discrimination and/or is threatening or intimidating to the staff of the Teaching School, it may be necessary for the academy to take further and proportionate action, including (by way of example) the imposition of a ban on the complainant from contacting the Hub and/or attending Hub premises and/or taking legal action (which may include seeking an injunction or court order), or notifying the Police;

APPENDIX 2: Complaints likely to be considered unreasonable by the Teaching School Hub

One or more of the examples listed below may result in the academy taking the view that a complaint, or continuation with this procedure is not reasonable and therefore that the procedure should be brought to a close:

- where (at Stage 3) the Teaching School Hub Director considers, after careful consideration of the outcome of the investigation, the nature of the complaint, the actions taken by the Teaching School to resolve the matter (and, if applicable, the outcome from the mediation meeting) and, having regard to the criteria set out below the complaint is not reasonable and/or that to continue with this procedure would not be reasonable;
- a complainant refusing to articulate the complaint or to specify the grounds of complaint;
- a complainant refusing to specify the outcome sought by raising the complaint and/or seeking an unrealistic outcome;
- a complainant refusing to co-operate with the complaints investigation including, for example a meeting with the Chair, a mediation meeting (if applicable) or attendance at a Complaints Panel meeting where a meeting or the complainants attendance would be reasonable;
- a complainant insisting that the complaint be dealt with outside of this procedure;
- a complainant raising trivial or irrelevant information or raising large numbers of detailed but unimportant questions and/or insisting on answers within their own timescales;
- a complainant making unjustified complaints or allegations about staff who are trying to deal with the issues raised and/or seeking to have those staff replaced;
- a complainant changing the basis of the complaint as the investigation proceeds;
- a complainant repeatedly making the same complaint, notwithstanding that investigations have resulted in the matter being concluded or declared groundless;
- a complainant refusing to accept the findings and/or conclusions of the investigation where this procedure has been fully and correctly implemented;
- a complainant making unreasonable and excessive demands on the Teaching School Hub time by frequent, lengthy, complicated and/or stressful contact with staff, either in person, in writing, via e-mail, text or by telephone while the complaint is being dealt with;
- a complainant publishing or verbalising unacceptable or false information or comments about the Hub or any member of school staff in any social media or newspaper;
- a complainant using threatening, abusive or intimidatory language or behaviour to any member of staff.

