

Lincolnshire Wolds Community Trust Complaints Policy & Procedure



Monitoring and review

The Executive Head is responsible for monitoring and reviewing this policy

Approval

This policy was agreed by the Board of Directors on: 30 January 2017

NOTE:

This Policy and Procedure applies across the Lincolnshire Wolds Community Trust. Within Lincolnshire Wolds Community Trust the Local Governing Body is referred to as Academy Advocates.

Within the Lincolnshire Wolds Community Trust all staff are dedicated to giving all children the best possible education and caring properly for their health, safety and welfare at all times. We are committed to working closely with parents/carers and believe that school and parents/carers must work together in partnership, each carrying out our own particular responsibilities to help pupils gain the most from their time in school. We also desire to have good relations with our neighbours and the wider community.

If you feel any concern about what is happening in our schools or we are doing something you are unhappy with, or not doing something you feel we should be, please contact us and tell us about it using the step by step process shown below:

The First Step – Informal

Please arrange to discuss any concerns with your child's class teacher, or with the particular teacher concerned. We hope that most problems can be sorted out this way. If you are not the parent/carer of a child at any of our schools, please start at the second step and make contact with the Head of School to discuss your concerns.

The Second Step – Informal

If, after speaking to your child's teacher, and having allowed sufficient time to deal with the issue, you do not feel that your concern has been properly dealt with, or if your concern is about the conduct of a particular teacher, then you should discuss the matter with the Head of School. In almost all cases we can sort things out satisfactorily in this way.

The Third Step – Formal

If your attempts to resolve the matter informally have not been successful, you should make a formal written complaint to the Head of School, unless the complaint is about the conduct of the Head of School. If your complaint is about the conduct of the Head of School, you should make a formal written complaint to the Executive Head, care of the school's address. If for some reason you do not feel able to put your complaint in writing, please contact the school office to arrange an alternative means of capturing your complaint.

You will receive an acknowledgement from the Executive Head within five school working days. The acknowledgement letter will also indicate the date by which you can expect to receive the Executive Head's written response to your formal complaint letter. This will normally be within ten school working days from the date of the acknowledgement letter.

Taking Matters Further – Advocate Review

If you are dissatisfied with the Executive Head's response to your formal complaint letter, or if your complaint is about the conduct of the Executive Head, then you will need to contact the Clerk to Advocates / Directors who will convene the Advocates' Complaints Committee.

You should send written details of your complaint, with any correspondence and evidence to support your complaint, to the Clerk to the Advocates / Directors at the school address. If, for some reason, you do not feel able to do so, you should contact the Clerk, via the school, who will record your complaint as a statement for you to sign.

The Clerk to Advocates / Directors will write to acknowledge receipt of your complaint within five school working days. The acknowledgement letter will explain the process which is to be followed and the expected timescale for that process – please see the section 'Advocates' Complaints Committee Procedure'. Where your complaint is considered under written representations, this process may take up to twenty-eight school working days to allow for the collection of representations and evidence.

The Advocates' Complaints Committee will consider your complaint and write to advise you of the outcome within the timescale provided by the Clerk to Advocates / Directors.

Complaints against Individual Advocates / Directors

For complaints against the Chair of Academy Advocates, or any other individual Advocate or Director, you should send written details of your complaint, with any correspondence and evidence to support your complaint, to the Clerk to Advocates / Directors at the school address. If, for some reason, you do not feel able to do so, you should contact the Clerk, via the school, who will record your complaint as a statement for you to sign.

The Clerk to Advocates / Directors will acknowledge receipt of your complaint and initiate the correct process. The Chair of Academy Advocates will consider complaints against an individual Advocate or Director and the Vice Chair will consider complaints against the Chair of Academy Advocates.

The appropriate Advocate will consider your complaint and write to advise you of the outcome within ten school working days. There will be no further internal right of appeal, for complaints against individual Advocates or Directors.

Complaint Procedure Timescales

We will use our best endeavours to address complaints in a timely and efficient manner; however, there will be times when timescales may need to be adjusted. If, at any stage of the process, we believe we are unable to meet

the timescales which have been provided to you, the Clerk will contact you to explain the reasons for any delay and to provide you with a new timescale for the conclusion of that part of the process.

Address for contacting the Clerk to Advocates / Directors:

Mrs Kay Smith
Clerk to Advocates / Directors
St Bernard's School
Wood Lane
Louth
Lincolnshire
LN11 8RS

Regardless of which method is adopted, the Advocates' Complaints Committee must consider all evidence placed before them and make an impartial decision based solely upon the evidence presented to them by both parties.

ADVOCATES' COMPLAINTS COMMITTEE PROCEDURE

General Principles

If a person is not satisfied with the response from the Executive Head regarding a complaint or if a complaint is about the Executive Head, then he/she is entitled to take the complaint to the Advocates' Complaints Committee.

All complaints to the Advocates' Complaints Committee must be in writing and should include full details of the complaint, along with any supporting evidence. This should be sent to the Clerk to Advocates / Directors, care of the school. The Clerk will then ensure the complaints process is started as soon as practicable. If for some reason you do not feel able to put your complaint in writing, please contact the Clerk to arrange an alternative means of capturing your complaint.

A minimum of three Advocates should be selected from a bank of Advocates to form the Complaints Committee to consider the complaint.

It is appreciated that it may not always be possible to find Advocates with no knowledge at all. However, the Academy Advocates should use their best endeavours to find Advocates who are as impartial as can be.

Once the Complaints Committee has been formed, members of the Complaints Committee must ensure they are familiar with the school's

complaints procedure. They must then decide how they wish to consider the complaint.

Advocates effectively have two options available. They can choose to deal with the complaint by means of an oral hearing or through written representations, but in making their decision they must be sensitive to any needs the complainant has. The LA advises that, wherever possible and appropriate, it should be through written representations.

Oral Hearings

If the Advocates choose to have an oral hearing, the Clerk to Advocates / Directors will invite the complainant to attend a meeting where they will be able to put their complaint personally to the Committee. The complainant should receive not less than ten days' notice of the meeting. The complainant should also be advised that they have the right to submit any further information or documentation relevant to the complaint and that this information should be received in sufficient time so it can be provided to the Committee at least five working days before the hearing. They should also be informed that any written materials will be provided to the parties involved in advance of the hearing.

The Clerk to Advocates / Directors should inform the parties involved of the time and date of the meeting, invite them to attend and provide all the details of the complaint available at that time, so that the parties involved can provide a written report in response to the complaint. This report should be provided at least five working days before the meeting so it can be shared with all parties.

The parties involved should attend the oral hearing to respond to the complaint. Teachers should not attend. If their evidence is needed, it should either be obtained via the parties involved, or where this is not appropriate, by an Advocate either before or after the meeting with the complainant. Written evidence should generally be made available to all parties at least five school working days in advance of the hearing, subject to any data protection constraints. The committee will only make a decision about the complaint once they have heard the complainant's and the school's evidence.

The structure of such a meeting should be flexible. However, it is anticipated it will follow a similar process to admission appeals. The Chair of the Committee should outline the procedure. The complainant will then present his/her case. The Complaints Committee should have familiarised themselves with the written complaint before the meeting opens and will then have an opportunity to ask any questions, as will the party involved. The complaint should then be responded to by the party involved and both the complainant and the Committee will have the opportunity to ask questions. Each party can then be asked to summarise their position in brief. Both parties will then leave to allow the Committee members to make their decision in private. The

complainant and the party involved should enter and leave the room at the same time; neither should be alone with the Committee.

Both the complainant and party involved are entitled to bring a representative with them if they wish. Although it would not normally be necessary, either party may bring a legal representative if they wish. Either party intending to bring a representative would be expected to contact the Clerk to Advocates / Directors before the hearing to notify them.

The hearing should be clerked and the DfE advise that it is best practice to share copies of the minutes with all parties involved in the hearing; affording them a reasonable opportunity to agree and if necessary challenge their content.

Written Representations

If the Advocates do not wish to hold an oral hearing - that decision being at the discretion of the Complaints Committee - the consideration will proceed by way of written representations.

Should the Advocates choose to adopt this procedure, the Clerk to Advocates / Directors will write to the complainant, outlining the procedure.

The complaint will be forwarded to the party involved who will then have 7 working days in which to respond.

That response will then, in turn, be sent to the complainant for comment, any responses to be provided within 7 working days.

Finally, that response will go to the party involved who has 7 working days in which to respond to the Clerk.

A copy of the party involved final response should be sent to the complainant with the advice that it is only for their information and that any further response will not be considered except in exceptional circumstances.

All the responses are then put before the Complaints Committee for consideration.

For the avoidance of doubt, all communication should be through the Clerk to Advocates / Directors, neither party should send their response to the other directly.

Adjudications

Regardless of which method is adopted, the Complaints Committee should take a robust approach and not simply endorse the decision of the Executive Head without any consideration of the evidence.

The Complaints Committee must have all the necessary evidence they feel is necessary for them to make their decision. If they are not satisfied and require further evidence from either party, they should adjourn and request that information. The Complaints Committee should only make their decision if they are satisfied they have sufficient evidence with which to make a final decision.

The decision of the Complaints Committee should be given to the complainant in writing within 5 working days of the decision. Providing the procedures as laid down in the complaints policy are followed then there is no right of appeal following this decision.

The decision letter should outline the nature of the complaint, the factors taken into consideration and the decision of the Complaints Committee. In the case of written representations, the decision letter should be sufficiently thorough so as to obviate the need for minutes to include any other information.

It is important that the complaint and associated papers are not attached to a child's file as they do not relate to the child.

However, schools are advised to keep a central register of complaints received. The DfE advise that the monitoring and review of complaints can be a useful tool in evaluating a school's performance.