

Complaints Procedure

Approved by:	Fenner Pearson	Date: June 10 th 2024
Last reviewed on:	June 10 th 2024	
Next review due by:	June 2027	

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1. Aims

Our school aims to meet its statutory obligations when responding to complaints from parents of pupils at the school, and others.

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Lunesdale Learning Trust about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

When responding to complaints, we aim to:

- Act in accordance with our Values, in particular being polite, friendly and courteous and being decent to others;
- Take all concerns and complaints seriously;
- Make every attempt to resolve concerns and complaints by informal means wherever possible, without the need to use formal procedures;
- Be open, fair and honest when dealing with any concern or complaint;
- Address all the points in issue;
- Provide an effective and prompt response to all concerns and complaints and appropriate redress, where necessary;
- Keep complainants informed of the progress of the complaints process;
- Provide sufficient opportunity for any concern or complaint to be fully discussed, and then resolved;
- Deal with complaints and concerns in an impartial and non-adversarial manner;
- Ensure a full and fair investigation of a complaint is undertaken;
- Respect complainants' desire for confidentiality
- Treat complainants' with respect
- Consider the complaint to reflect on the services provided by the School so, if necessary, they can be improved.

The School will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this we will make sure we publicise the existence of this policy and make it available on the school website.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

2. Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

This policy complies with our Funding Agreement and Articles of Association.

3. Definitions and scope

The DfE guidance explains the difference between a concern and a complaint.

A **concern** is defined as:

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

The school will resolve concerns through day-to-day communication as far as possible.

A **complaint** is defined as:

“an expression of dissatisfaction however made, 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. Lunesdale Learning 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 Executive Headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, [the Executive Headteacher](#) will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, [Lunesdale Learning Trust](#) will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters and allegations
- Suspension and permanent exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

Arrangements for handling complaints from parents of children with SEN about the school's support are within the scope of this policy.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

We will not normally investigate anonymous complaints.

If at any point a complainant wishes to withdraw their complaint, we will ask them to confirm this in writing

4. Roles and responsibilities

4.1 The complainant

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Co-operate with the school throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed
- Treat all those involved with respect

- Do not publish details about the complaint on social media

4.2 The investigator

An individual will be appointed to look into the complaint and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the executive headteacher or complaints committee, which includes the facts and potential solutions

4.3 Clerk to the governing board

The clerk will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

4.4 Committee chair

The committee chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

5. Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

5.1 Time scales

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this timeframe in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period.

If at any point we cannot meet the timescales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

6. Stages of complaint (not against Executive Headteacher or Governors)

Stage 1: Informal

The school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with a relevant senior member of staff, such as the Head of Year, Head of Department or an Assistant Headteacher, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office.

The school will acknowledge informal complaints within 3 school days, and investigate and try to provide a response within 10 school days. Sometimes the investigation will take longer than this, in which case the complainant will be notified along with the potential timescale for completion of the investigation.

The informal stage may involve a meeting between the complainant and the Executive Headteacher or other senior colleague.

If the complaint is not resolved informally or the complainant is not satisfied following this informal approach, the concern will become a formal complaint.

Stage 2: Formal

The formal stage involves the complainant putting the complaint to the Executive Headteacher by completing the Formal Complaint form (appendix 1).

The complainant should provide details such as relevant dates, times and the names of witnesses of events alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

The school will acknowledge receipt of the formal complaint in writing within 3 school days.

The Executive Headteacher (or other person appointed by the Executive Headteacher for this purpose) will then conduct their own investigation.

The complainant may be invited to attend a meeting to discuss the complaint.

The written conclusion of this investigation will be sent to the complainant within 10 school days. If this is not possible, the school will write to explain the reason for the delay and an approximate timescale for when the school will provide a full response.

If the complainant is not satisfied with the response or the way in which the conclusions have been reached and wishes to proceed to the next stage of this procedure, they should inform the Chair of Governors, via the clerk to the Governing Board, in writing within 5 school days.

Stage 3: Appeal Panel

The aim of the hearing is to resolve the complaint and achieve reconciliation between the school and the complainant.

The panel will consist of at least 3 people not directly involved in the matters detailed in the complaint, two of whom may be governors, and one of whom shall be independent of the management and running of the school.

The complainant must have reasonable notice of the date of the appeal panel; however, the appeal panel reserves the right to convene at their convenience rather than that of the complainant. If the complainant rejects the offer of 3 proposed dates without good reason, the clerk will set a date. The hearing will go ahead using written submissions from both parties.

The complainant is allowed to attend the panel hearing and be accompanied if they wish. This must be confirmed in writing at least 5 school days before the hearing.

The panel, complainant, the investigator and any individual who is the subject of the complaint will all have access to the same information at least 5 school days before the hearing. The introduction of previously undisclosed evidence or witnesses would be reason to adjourn the meeting so that the other side has time to consider and respond to the new evidence.

The chair of the panel, at least 5 school days before the hearing, will let all parties know of the witnesses who are eligible to be called. It will be for the chair to decide whether a child may be present at any part of the meeting.

The panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

The panel must then put together its findings and recommendations from the case. The panel will also provide a copy of the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the proprietor and Executive Headteacher.

The school will inform those involved of the decision in writing within 10 school days.

Order of Appeal Panel

- 1) Welcome and introduction by chair of the panel, including confirmation of procedure to be followed.
- 2) Complainant, or their accompanying person, presents the appeal. Questions to complainant may be asked by the panel and the investigator.
- 3) Any witnesses for the complainant are then called to give their evidence. Questions may be asked of any witnesses, as they appear, by the panel and the investigator.
- 4) The investigator responds to the complaint. Questions to the investigator may be asked by the complainant and the panel.
- 5) Witnesses may be called by the investigator to give their evidence. Questions may be asked of any witnesses, as they appear, by the panel and the complainant.
- 6) At the end of these stages, no further evidence can be offered.
- 7) Summing up by the investigator of the evidence presented.
- 8) Summing up by the complainant of the evidence presented.
- 9) Concluding remarks by the chair of the review panel. Explanation of what happens next by the chair of the panel.
- 10) The complainant and the investigator and any companions are asked to leave and the panel deliberates. Only the outcome and the reasons to be given in the letter to the complainant are recorded by the clerk and not the deliberations prior to reaching a decision.
- 11) At any point in the proceedings, the chair may agree to an adjournment, subject to the proviso that it does not cause an unreasonable delay.

The decision

- 12) The panel will either
 - uphold the complaint in full and inform the complainant of the grounds for its decision and if appropriate recommend a remedy, or;
 - uphold it in part and give reasons why, or;
 - dismiss it and inform the complainant of the reasons why it did not uphold the complaint.

Whatever the decision, the panel may also invite all parties to a resolution meeting.

- 13) The outcome of the appeal hearing will be confirmed in writing within 10 days of the hearing. The investigator will receive a copy of the letter, as will any individual named as part of the complaint.

- 14) A copy of the Appeal Panel's findings and recommendations will be made available for inspection on the school premises by the Governors/Trustees and Executive Headteacher.

7. Complaints against the Executive Headteacher or a Governor

Complaints made against the Executive Headteacher should be directed to the Chair of Governors.

Where a complaint is against the Chair of Governors or any member of the Governing Body or Trust Board, it should be made in writing to the Company Secretary, Angela Johnson, in the first instance.

Any complaints against the Executive Headteacher or Governor shall follow the three-stage procedure set out above.

8. Referring complaints on completion of the school's procedure

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the Education and Skills Funding Agency (ESFA). The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a school's decision about a complaint, but will intervene if a school or trust has:

- Breached a clause in its funding agreement
- Failed to act in line with its duties under education law
- Acted (or is proposing to act) unreasonably when exercising its functions

If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

We will include this information in the outcome letter to complainants.

8. Persistent/Vexatious complaints

We are committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with our school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

We define unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuses to co-operate with the complaints investigation process
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with

- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Whenever possible, the Executive Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from school.

9. Record-keeping

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the Secretary of State (or a body conducting an inspection under section 109 of the Education and Skills Act 2008 or the complainant requests access to records of a complaint through a Freedom of Information Act 2006 (FOI) request or under the terms of the Data Protection Act 2018, or where the material must be made available during a school inspection.

Records of complaints will be kept for 7 years.

The details of the complainant, including the names of individuals involved, will not be shared with the whole governing body in case a review panel needs to be organised at a later point.

Where the governing board is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

10. Learning lessons

The Governing Body and Trust Board will review any underlying issues raised by complaints with the Executive Headteacher, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

11. Monitoring arrangements

The Governing Body and Trust Board will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly.

The complaints records are logged and managed by the Business Manager.

This policy will be reviewed by the Executive Headteacher every 2 years.

At each review, the policy will be approved by the Governing Body and Trust Board.

12. Links with other policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEND policy

Formal Complaints Form (Appendix 1)

Please complete and return to the Executive Headteacher's PA, Mrs Bulman at a.bulman@qes.org.uk Mrs Bulman will acknowledge receipt and explain how the matter will be dealt with.

Your name:
Student's Name (if relevant):
Your relationship to the student (if relevant):
Address:
Contact Number:
Email address:
Please give details about your complaint (continue on separate sheets if necessary and use a separate form for separate complaints):



What action, if any have you already taken to try and resolve your complaint? (Who did you speak to and what were the actions?)
Desired Outcome: What actions do you feel might resolve the problem at this stage?
Are you attaching any supporting paperwork? If so, please give details:
Signature:
Date:

For school use only
Date Complaint Form received:
Date Acknowledgment sent:
By who:
Complaint referred to:
Action Taken:
Date:

