

# Complaints policy and procedure

The Lion Works School



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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.

When responding to complaints, we aim to:

- › Be impartial and non-adversarial
- › Facilitate a full and fair investigation by an independent person or panel, where necessary
- › Address all the points at issue and provide an effective and prompt response
- › Respect complainants' desire for confidentiality
- › Treat complainants with respect and courtesy
- › Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- › Keep complainants informed of the progress of the complaints process
- › Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

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

To support this, we will ensure 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 document meets the requirements of section 35 of the schedule to [the Education \(Non-Maintained Special Schools\) \(England\) Regulations 2011](#), which states that non-maintained special schools must have and make available a written procedure to deal with complaints relating to their school.

It also refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

## 3. Definitions and scope

### 3.1 Definitions

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”
- A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”

### 3.2 Scope

The school intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does **not** cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Whistle-blowing
- Staff grievances
- Staff discipline

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

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

All written outcomes to formal complaints will be retained within school for the purposes of inspection and oversight.

## 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
- › 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 headteacher or complaints committee which includes the facts and potential solutions

## **4.3 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 time frame 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 time scales 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 complaints against the headteacher)**

### **6.1 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 the relevant member of staff or the headteacher as appropriate, 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 **2 school days** and investigate and provide a response within **15 school days**.

The informal stage will involve a meeting between the complainant and the Headteacher, as appropriate.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

## **6.2 Stage 2: formal**

Formal complaints can be raised:

- By letter or email
- Over the phone
- In person
- By a third party acting on behalf of the complainant

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

If complainants need assistance raising a formal complaint, they can contact the school office.

The headteacher (or designated member of the senior leadership team) will call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting and should inform the school of the identity of their companion in advance.

In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The headteacher (or other person appointed by the headteacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within **15 school days**.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the investigating person within **5 school days**.

### **How to escalate a complaint**

Complaints can be escalated by contacting the Headteacher:

- By letter or email
- Over the phone
- In person
- Through a third party acting on behalf of the complainant

The Headteacher will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

The written conclusion of this investigation will be sent to the complainant within 15 school days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the Proprietor in writing within 5 school days. Requests received outside of this time frame will be considered in exceptional circumstances.

The proprietor will acknowledge receipt of the request within 5 school days.

school days.

### **6.3 Stage 3: submit the complaint to an independent reviewer**

The independent reviewer is appointed by or on behalf of the proprietary body. This person must not, at any time, have been a governor of the school, or a member of staff or supply staff at the school, and must not have been the parent of a registered or former registered pupil at the school. They must also not have been directly involved in any matter detailed in the complaint.

The independent reviewer will convene a review meeting with the complainant and representatives from the school, as appropriate. Each will have an opportunity to set out written or oral submissions prior to the meeting.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence.

The independent reviewer, the complainant and the school representative(s) will be given the chance to ask and reply to questions.

The complainant, proprietor and Headteacher, and where relevant, the subject of the complaint, will be given a copy of the findings and recommendations made by the independent person.

The school will inform those involved of the decision in writing within 5 school days. The independent reviewer's findings will not be binding but will be made available to the complainant.

## **7. Complaints against the Headteacher**

### **7.1 Stage 1: informal**

Complaints made against the Headteacher should be directed to the Headteacher in the first instance who will attempt to resolve it directly with the complainant.

### **7.2 Stage 2: formal**

If the complainant is not satisfied with the response of the Headteacher to the complaint they can escalate it to be reviewed by a member of the proprietary body. They will be appointed by the Director of the Proprietary body and will write a formal response at the end of their investigation.

### **7.3 Stage 3: Independent Person**

If the complainant is not satisfied with the response of the two-person investigation in Stage 2 then they can request that it is reviewed by an Independent Person. The Independent Person will be sourced by the proprietary body and will be suitably qualified in the field of Education, Law or Healthcare with appropriate independence from the running of the school. They will report in writing to all parties involved within 5 days of completing their investigation.

## **8. Panel hearing**

If a complainant believes their complaint has not been addressed through the formal and informal processes detailed in sections 6-8 then they make request a panel is formed to review their complaint. The panel will consist of three people and at least one member who is independent of the management and running of the school. Where possible, no panel members will be directly involved in the previous investigations but at no time will members of the panel have been involved in matters detailed by the complainant. The complainant is allowed to be accompanied at the panel hearing if they chose. The complainant can choose a representative who is legally trained and they may make a representation to the panel, but it should be remembered that the panel is not an adversarial forum.

The panel report will make findings and recommendations. This will be provided to the complainant and the person(s) complained about. This report will be securely retained within school.

## **9. Referring complaints on completion of the school's procedure**

If the complainant is unsatisfied with the outcome of the school's complaints procedure and the complaint is regarding the school not meeting standards set by the DfE in any of the following areas, the complainant can refer their complaint to the DfE:

- › Education
- › Pupil welfare and health and safety
- › School premises
- › Staff suitability
- › Making information available to parents
- › The spiritual, moral, social or cultural development of pupils

The DfE will consider reports of a major failure to meet the standards. Where appropriate, it can arrange an emergency inspection to look at pupil welfare and health and safety, and make sure that the school deals with serious failings.

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

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

## 10. Persistent complaints

### 10.1 Unreasonably persistent complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- › Has made the same complaint before, and it's already been resolved by following the school's complaints procedure
- › Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- › Knowingly provides false information
- › Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure
- › Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- › Changes the basis of the complaint as the investigation goes on
- › Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- › Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

#### Steps we will take

We will take every reasonable step to address the complainant's concerns and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. We may:

- › Give the complainant a single point of contact via an email address
- › Limit the number of times the complainant can make contact, such as a fixed number per term
- › Ask the complainant to engage a third party to act on their behalf, such as [Citizens Advice](#)
- › Put any other strategy in place as necessary

#### Stopping responding

We may stop responding to the complainant when all of these factors are met:

- › We believe we have taken all reasonable steps to help address their concerns
- › We have provided a clear statement of our position and their options
- › The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make. Defamatory or false accusations against the school made publicly, including on social media, may be cause for termination of a student placement if it is felt that the unreasonable behaviour of the complainant is detracting from the school's ability to meet the needs of other students.

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 our school site.

## 10.2 Duplicate complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- › Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete
- › Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

## 10.3 Complaint campaigns

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- › Sending a template response to all of the complainants

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

## 11. 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 someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and our GDPR policy.

## 12. Learning lessons



The Proprietor will review any underlying issues raised by complaints with the 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.

### **13. Monitoring arrangements**

The Proprietary body will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Proprietary body will track the number and nature of complaints, and review underlying issues as stated in section 11.

The complaints records are logged and managed by the Proprietary body.

This policy will be reviewed by the Proprietary body every 12 months.

At each review, the policy will be approved by Director.

### **14. Links with other policies**

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Behaviour policy
- Staff grievance procedures
- Staff disciplinary procedures
- Privacy notices