



## Lionheart Academies Trust

# Complaints Policy and Procedure

Including any arrangements for handling complaints from parents of children with SEN about the support provided by the school and including Policy for Handling Unreasonable Complaints

## 2018-20

Date	Detail
2014	Original, based on Leicestershire model policy
2016	Updated
2018	Updated to include information re. recommendations made by Panel and access to information

Lionheart Academies Trust is committed to working in partnership with all members of our school communities. The Trust values the role which parents and carers can play in supporting pupils' learning. Staff and governors actively encourage a positive relationship between the school and the families of pupils who attend our schools. We also desire to have good relations with our neighbours and the wider community.

#### We aim:

- to provide a fair complaints procedure which is clear and easy to use for anyone wishing to make a complaint
- to publicise the existence of our complaints procedure so that people know how to contact us to make a complaint
- to make sure all complaints are investigated fairly and in a timely way
- to make sure that, wherever possible, complaints are resolved and relationships are repaired
- to ensure that, where appropriate, lessons are learned which lead to improvements in the schools

#### The difference between a concern and a complaint

A 'concern' may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. Where any concerns are raised we aim to resolve these as quickly and as efficiently as possible. Usually concerns that are raised can be resolved very quickly through the school's day-to-day communication between parents and the school staff.

A 'complaint' may be generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. There are occasions when complainants would like to raise their concerns formally. In those cases, the school's formal procedure should be invoked through the stages outlined within this policy.

#### Who can raise a complaint?

Complaints may come from any person or organisation that has an interest in the school. This policy does not cover complaints from staff, who should follow the relevant internal policy.

Should a complaint arise which involves a student who is an adult, due regard to data protection will be taken and the student will be recognised as an adult. They will have the right to decide whether or not their own information can be shared with their parent(s) if the parent is making a complaint against the academy.

#### Timescales from submitting a complaint

To enable a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible, usually within 3 months. This time limit does not apply if it can be shown that there were good reasons for not making the complaint earlier and it is still possible to investigate the complaint properly.

#### Timescales for responding to a complaint

This policy outlines timescales within which the school will respond. Where the complaint is particularly complex, or the relevant staff or governors not immediately available, these timescales may need to be extended. In this case the school will contact the complainant to inform them of the reason for the delay.

## 'School days'

This policy refers to 'school days', i.e. the days in which the school is open to pupils.

## Confidentiality

All complaint information will be handled sensitively, telling only those who need to know and following any relevant data protection requirements. Correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

## Complaints Procedure

'Headteacher' refers to the Headteacher, Head of School or Principal of the school or college.

This Trust operates a four stage complaints procedure outlined below. If the complaint is about the headteacher, a formal written complaint should be referred to the Chair of Governors, to be dealt with under Stage 3 of this procedure.

Where the following procedure refers to the headteacher, they may delegate any of these functions to a member of the senior leadership team if appropriate. In exceptional circumstances, the headteacher may commission an independent investigator to undertake an investigation on behalf of the school.

This procedure includes 4 stages:

Stage 1: Informal concern raised with staff member

Stage 2: Formal complaint to the headteacher

Stage 3: Formal complaint to the chair of governors

Stage 4: Formal complaint to the complaints appeal panel

The school will keep a written record of all complaints, whether they are resolved following a formal procedure or proceed to a panel hearing. The school will also record action taken as a result of those complaints regardless of whether they are upheld.

### Stage 1: Informal complaint

An initial concern should be raised with the class teacher or the member of staff concerned. This can be done in writing, by telephone or in person by appointment. The vast majority of concerns can be dealt with at this stage. It would be helpful to identify at this point what outcome is being sought in order for the school to address the complaint quickly and effectively.

Members of the public should begin at Stage 2 of the procedure and make contact with the headteacher to discuss their complaint.

### Stage 2: Formal complaint to the headteacher

If a complaint is not resolved at the informal stage it is possible to make a formal complaint to the headteacher, **within 10 school days** of Stage 1 being concluded. The complaint should usually be made in writing indicating the desired outcome from the complaint (a form is enclosed for this purpose).

The complaint will be acknowledged within 5 school days and will include an indicative date for a written response. The headteacher will be responsible for ensuring that the complaint is investigated appropriately. They may arrange a meeting to clarify details of the complaint and the resolution that is being sought. The headteacher will investigate the complaint further and make every effort to resolve the issue.

Dependent upon the nature of the issues raised, the matter may continue to be dealt with through other internal procedures such as the school's disciplinary or safeguarding procedures. In this case the complainant will be informed that the matter has been handled appropriately, but will not usually be advised of the nature or outcome of these proceedings.

On conclusion of the investigation the headteacher will respond in writing with all appropriate information in relation to the complaint and information on any outcomes. The response will include information as to the next stage of the procedure in case the complainant is not satisfied with the response.

### Stage 3: Formal complaint to the Chair of Governors

If the complainant is dissatisfied with the headteacher's response, or the complaint concerns the conduct of the headteacher, a formal complaint can be made to the Chair of Governors.

The complaint should be made in writing addressed to the Chair of Governors, care of the school, **within 10 school days** of the date of the headteacher's response. This should include a copy of the written complaint, a copy of the headteacher's letter concluding Stage 2, and details in writing as to why the complainant is not satisfied with the outcome.

The school website includes an email address for the Chair of Governors which may be used for correspondence.

At this stage the Chair of Governors will generally handle the complaint but can delegate this to a nominated governor. In exceptional circumstances, the Chair of Governors may commission an independent investigator to undertake an investigation on behalf of the school.

Complainants should be aware that Chairs of Governors are not employees of the school, and are not in a position to collect written correspondence on a daily basis. In order for the Chair of Governors to acknowledge a letter of complaint within 5 school days, which would be the school's aim, written letters of complaint which are hand delivered or sent by post should be marked 'Urgent – private and confidential'. It should be borne in mind that Chairs of Governors are not in school on a daily basis and may occasionally take holidays during term time, and may therefore occasionally be unable to respond to emails within 5 school days.

The Chair of Governors or a delegated governor will investigate the complaint and make every effort to resolve the issue. They may meet with the complainant if they need clarification or further information is necessary.

On conclusion of the investigation they will send a written response of the outcome reached and the process for appeal.

#### **Stage 4: Formal complaint to the Complaints Appeal Panel**

If the complainant remains dissatisfied with the response to the complaint they may request that it is reviewed by a Complaints Appeal Panel by writing to the Clerk to the governing body **within 10 school days** of the date of the letter notifying them of the outcome of Stage 3. Written letters should be addressed to the Clerk and marked as 'Urgent – private and confidential'.

The school website includes an email address for the Clerk which may be used for correspondence.

The Clerk will write to acknowledge receipt of the complaint within **5 school days**. The letter will explain the process which is to be followed and information about the how the panel will operate.

The Clerk will convene a governing body Complaints Appeal Panel and ask the complainant to provide details of the appeal and any relevant supporting evidence.

'The complainant' refers to a single person raising a complaint. If the complainant is a parent they may be accompanied by another who is recognised as a parent within guidelines, and this additional parent may also address the panel.

Each party may be accompanied by a colleague or supporter who cannot act as an advocate, nor will they have the right to address the panel. The Clerk must be informed at least 5 days in advance of any additional parent, or a colleague or supporter attending with either party.

Each party may call witnesses directly involved in matters raised by the complainant (i.e. not 'expert witnesses') or present witness statements. Witnesses are only required to attend for the part of the hearing in which they give their evidence and respond to questions. The Clerk must be informed at least 5 days in advance of any witnesses who will be called by either party.

Given the formal nature of the meeting it would be inappropriate in all but exceptional circumstances for a child under 18 to be asked to attend as witness, and this would always be dependent on parental consent.

The Complaint Appeal Panel may also consider whether it would be helpful to invite members of staff and/or other adult witnesses directly involved in matters raised by the complainant to produce a written report (if this has not already been done), or to attend the meeting.

### Panel members

The panel will usually consist of two governors from the school / Lionheart Trust Board and one person who is independent of the leadership and management of the school and Trust. Panel members will have no previous knowledge of the complaint. If this is not possible for any reason, then alternative arrangements will be made, of which you will be informed.

The remit of the complaints appeal panel is to:

- dismiss the complaint in whole or in part
- uphold the complaint in whole or in part
- decide on the appropriate action to be taken to resolve the complaint
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur

The complainant will be notified in writing of the panel's decision, usually **within 5 days**. The letter will confirm the end of the school's and governing body's involvement with the complaint and explain any further rights of appeal.

## Suggested agenda of the Complaints Appeal Panel Hearing

### Introductory comments

The Chair of the panel will introduce those present and outline the procedure to be followed. They will emphasise the need for confidentiality, offer adjournments at the request of either party and require that all electronic devices are switched off.

### The complainant's case

- a. **The complainant** presents the reason for their appeal, including any new evidence.
- b. The complainant may call a **witness** to support their case.
- c. The **school representative** may question the witness
- d. The **panel** may question the witnesses. *(Steps b-d will continue until all of the complainant's witnesses have been heard and questioned – witnesses will only be present in the room during their evidence).*
- e. The **school representative** may question the complainant
- f. The **panel** may question the complainant

### The school's response

- a. The **school representative** presents their case
- b. The school representative may call a **witness** to support their case.
- c. The **complainant** may question the witness
- d. The **panel** may question the witnesses. *(Steps b-d will continue until all of the school representative's witnesses have been heard and questioned – witnesses will only be present in the room during their evidence).*
- e. The **complainant** may question the school representative
  - a. The **panel** may question the school representative

### Summing up

- a. The **complainant** has the opportunity to sum up their case.
- b. The **school representative** has the opportunity to sum up their case.

### Panel decision

- a. The school representative, the complainant and their supporter will adjourn so that the panel can deliberate.
- b. Having deliberated on the matters placed before them, the panel will notify the complainant of the outcome within 5 days in writing and, where relevant, the person complained about.

## Recording the outcome

The Chair or delegated governor at Stage 3, and the panel at Stage 4, should record their recommendations and findings in a letter which is sent to the complainant once the complaint stage has been completed. This should also be made available to the person being complained about, where relevant.

This letter should be available in school to both the Headteacher / Principal and the CEO/Chair of Lionheart Academies Trust.

Actions taken by the school following the complaint should also be recorded.

## Further rights of appeal

If the complainant has completed the school procedure and remain dissatisfied, they have the right to refer your complaint to the Secretary of State through the School Complaints Unit (SCU). The Secretary of State will usually not consider any complaints until the school's complaint procedure has been exhausted.

The SCU will not normally re-investigate the substance of the complaint. They will look at whether the complaints policy and any other relevant statutory policies were adhered to and comply with education legislation.

The SCU can be contacted on 0370 000 2288, or in writing to:  
Department for Education School Complaints Unit  
2nd Floor  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

## Complaints against an individual governor

If the complaint is against the Chair of Governors or an individual governor, the complainant should write to the Clerk to the governing body. The Clerk will acknowledge receipt of the complaint within **5 school days**. The letter will explain the process that will be followed and the expected timescale for response.

The Chair of Governors will consider complaints about an individual governor and the Vice Chair will consider complaints against the Chair. If for any reason this is not appropriate then another governor will be nominated.

On conclusion of the investigation, the complainant will receive a written response detailing all appropriate information in relation to the complaint and information on any outcome(s). There will be no further right of appeal for complaints against an individual governor.



## Unreasonable and/or Vexatious Complaints

There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. It is important for schools to recognise when they really have done everything they can in response to a complaint. It is a poor use of schools' time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of Governors can inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond.

*Best practice advice for school complaints 2016: DfE*

## Policy for Handling Unreasonable Complainants

Lionheart Academies Trust is 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 the 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.

The Trust defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'*.

A complaint may be regarded as unreasonable when the person making the complaint:

- 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 while still wishing their complaint to be resolved
- refuses to accept that certain issues are not within the scope of a complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or 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, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and / or by telephone while the complaint is being dealt with

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- maliciously
- aggressively
- using threats, intimidation or violence
- using abusive, offensive or discriminatory language
- knowing it to be false
- using falsified information
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a 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 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 asking them to change it. For complainants who excessively contact a 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 usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from a school.

# Formal Complaint Form

Your name:	
Pupil's name (if applicable):	
Your relationship to pupil:	
Address:	
Postcode:	Daytime Tel:
Mobile:	E-mail:
Please give concise details of your complaint:	
What action, if any, have you already taken to try and resolve your complaint? (Who did you speak to, when and what was the response?)	

What actions do you feel might resolve the problem at this stage? What lessons could be learned?

Are you attaching any paperwork? If so, please give details.

Signed:

Date:

Official Use:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:

Date: