



Concerns & Complaints Policy

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Introduction

This policy, developed in consultation with stakeholders, is intended to be a good practice guide that will apply to most general complaints received by academies. The aim of the procedure is to seek a resolution to any complaint and to restore positive relationships. In the case of parental complaints the aim should be to arrive at a resolution that is in the best interests of the pupil.

We recognise that a difficulty which is not resolved quickly and fairly can soon become a cause of resentment and so we need to know as soon as possible if there is any cause for dissatisfaction. Parents and pupils should never feel that a complaint will be taken amiss or will adversely affect a pupil or his / her opportunities at school. This policy distinguishes between a concern or difficulty which can be resolved informally and a formal complaint which will require investigation.

We aim to resolve any complaints in a timely manner. Timescales for each stage are set out below in the relevant paragraphs. When we refer to 'working days', we mean Monday to Friday, when the academy is open during term time. Term dates are published on the academy's website.

The Education (Independent School Standards) Regulations 2014 requires academy governing bodies to establish procedures for handling general complaints. The procedure must include;

- an opportunity to resolve the complaint with the academy on an informal basis, for example through discussion with a senior member of staff;
- a formal complaint stage when the complaint is made in writing and responded to by the Headteacher, Executive Principal & Chair of Directors (or their nominated governor) in a tiered approach;
- a hearing with a panel set up by the academy trust, comprising of three people not directly involved in the matters detailed in the complaint, one of whom must be independent of the management and running of the academy. Parents must be allowed to attend the panel and be accompanied if they wish.

These types of complaint are subject to other statutory procedures that are separate from this general complaints procedure:

Complaint by a Member of Academy Staff	Academy Grievance Procedure. For further information contact the academy.
Pupil Exclusion	Right to make representations about fixed term exclusion to Governors' Pupil Discipline committee. Where there is an unresolved dispute regarding a fixed term exclusion involving an allegation of disability discrimination the complainant has the further right of appeal to First-Tier Tribunal (Special Educational Needs and Disability, (SENDIST)). Right of review to independent panel for permanent exclusion. For further information contact the Exclusion and Reintegration Advisory Service via the Surrey County Council Contact Centre on 03456 009 009.
Academy Admissions	Separate procedures apply. For further information contact the academy.
Child Protection/Safeguarding	Surrey Safeguarding Children Board procedures apply. For further information contact the Surrey County Council Contact Centre on 03456 009 009.

EHC Plans	Surrey County Council's statutory assessment procedures apply if a parent requests an Education, Health and Care (EHC) plan. Right of appeal to SENDIST. For further information contact the SEN Management Team via the Surrey County Council Contact Centre on 03456 009 009.
Freedom of Information and Data Protection	Where a complainant seeks an internal review of a response to a Freedom of Information or Data Protection Act request, Stage 4 only of the complaints procedure should be completed. This will ensure that the complainant has access to further action via the Information Commissioner's Office (www.ico.org.uk) within appropriate timescales.
<p>Complaints regarding discrimination and harassment based on protected characteristics as defined in the Equality Act 2010.</p> <p>Protected Characteristics are:</p> <ul style="list-style-type: none"> • Disability • Gender reassignment • Pregnancy and maternity • Race • Religion or belief • Sex • Sexual orientation 	The complaints procedure applies, but complainant has further right of appeal to SENDIST for complaints about disability discrimination or to the County Court for all other unresolved disputes regarding protected characteristics.

General principles

The aim of efficiently, quickly and at the appropriate level and resolved as soon as possible. This policy is to ensure that any concern or complaint is managed sympathetically, most concerns can be resolved informally without any need to involve the Board of Directors. However, if a concern becomes a complaint then the four stage process set out below will be used.

Any complaint raised will be treated seriously and courteously. You will be given the opportunity to make your concerns known and academy staff must be given time to properly investigate them in order for the matter to be resolved to everyone's satisfaction. It is important that you have confidence in these procedures and know that the matter will be investigated impartially and dealt with as quickly as possible. Resolving concerns involves balancing the rights and responsibilities of pupils, parents and academy staff; there should be recognition that responsibility rests with each of these parties.

We ask that you do not discuss your concerns on social networking sites (e.g. Facebook). This can be potentially damaging for the academy and/or its pupils, can reach a much wider audience than you might have intended, and more importantly does not give the academy the opportunity to resolve the issue. Should a complainant choose to discuss their concern on a social networking site, the academy will question the complainant's commitment to finding an appropriate resolution to the complaint.

To comply with equality legislation academies should be sensitive to the individual needs and circumstances of the complainant. No-one should be excluded from the complaints system because of any difficulties they may have in representing themselves either in writing or in person.

The academy's website will contain a copy of the formal complaints policy, hard copies are also available on request from the school office.

Academies recognise that some people will need help in pursuing their complaint and consideration should be given to putting complainants in touch with a suitable agency which can help them, e.g. Area Schools Support Service, Surrey Parent Partnership

Further guidance on dealing with complaints can be provided by the Area Schools Support Service (part of their traded service to academies) by telephoning the Surrey County Council Contact Centre on 03456 009009 or by emailing the Contact Centre via the Surrey County Council website.

Anonymous complaints, whilst difficult to manage and resolve, will be recorded and referred to the Headteacher, Executive Principal, Chair of Directors (or their nominated governor) in the same way as other complaints. The fact that a complaint is from an anonymous source should not in itself justify a decision not to investigate the matter, nor should it rule out referral to other procedures as appropriate, e.g. child protection.

The investigation of a complaint will not deal with staff disciplinary matters. If, however, during the course of considering a complaint, it is concluded that disciplinary procedures should be initiated, the governing body will consider this as a separate action.

If at any time a child protection concern becomes apparent, the child protection process will take precedence over the complaints process, which will be halted until the child protection matter is resolved

Confidentiality

A written record will be kept of all complaints, and of whether they were resolved at Stage 1, Stage 2, Stage 3 or proceeded to a Panel hearing. The number of formal complaints registered during the preceding school year will be supplied to parents on request.

Correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State or where disclosure is required in the course of a school's inspection or under other legal authority.

In accordance with data protection principles, details of individual complaints will be kept only for as long as is considered to be reasonably necessary in the circumstances.



Lumen Learning Trust
Learning together for a brighter future

CONCERNS & COMPLAINTS PROCEDURE

November 2018

Complaints Procedure

The Trust's complaints procedure has four stages:

Stage 1: informal raising of a concern or difficulty with a member of staff orally or in writing - further details of this procedure are set out at page 8 below.

Stage 2: a formal complaint in writing to the Head - further details of this procedure are set out at page 9 below.

Stage 3: a renewed complaint in writing to the Executive Principal & Chair of Directors or their nominated governor(s) - further details of this procedure are set out at page 10 below.

Stage 4: a reference to the Complaints Panel - further details of this procedure are set out at pages 11-13 below.

Separate procedures apply in the event of a child protection issue, an issue regarding admissions or if the Head excludes a pupil from the Academy.

Stage 1: dealing with concerns and difficulties informally

1 Informal resolution of a concern

- 1.1 We expect that most concerns can be resolved informally. For example, dissatisfaction about some aspect of teaching or pastoral care or a billing error should be able to be resolved by the relevant member of staff. Complaints of discrimination, harassment or victimisation are taken very seriously and may need to be dealt with at Stage 2 without action at Stage 1.
- 1.2 You should feel able to raise concerns with academy staff without any formality, either in person, by telephone or in writing.
- 1.3 In most cases, the member of staff who is dealing with the concern will respond to you verbally. This stage of the process seeks to resolve your concern as informally as possible. However, the response may be put in writing, if this would be helpful for the purposes of clarity.

2 Who to contact

- 2.1 Where appropriate, concerns should initially be raised as follows:
 - 2.1.1 **Educational issues:** if the matter relates to the classroom, the curriculum or special educational needs, please speak or write to the relevant staff member (class teacher, year leader, phase leader)
 - 2.1.2 **Pastoral care:** for concerns relating to matters outside the classroom, please speak or write to the class teacher or Home School Link Worker.
 - 2.1.3 **Disciplinary matters:** a problem over any disciplinary action taken or a sanction imposed should be raised first of all with the member of staff who imposed it.

3 Timescale

- 3.1 A concern provided in writing will be acknowledged by telephone, fax, email or letter within two working days of receipt during term time and as soon as practicable during the holidays. A matter raised orally will not necessarily be acknowledged in writing.
- 3.2 A concern which has not been resolved by informal means within 15 working days should be notified in writing as a formal complaint using the procedure set out at Stage 2.

Stage 2: formal complaint

1 How to make a formal complaint

- 1.1 If a parent is dissatisfied with the response to the complaint under Stage 1, or the complaint requires investigation or involves dissatisfaction with some aspect of the Academy's policies or management, the complaint should be made under Stage 2.
- 1.2 The full details of the complaint should be set out in writing and sent with all relevant documents and full contact details to the Head.
- 1.3 The complaint will be acknowledged by telephone fax, email or letter within two working days during term time, and as soon as practicable during the holidays, indicating the action that is being taken and the likely time scale.

2 Investigation

- 2.1 The Head may ask a senior member of staff to act as Investigator and / or may involve one or more Governors. The Investigator(s) may request additional information from you and will probably wish to speak to you personally and to others who have knowledge of the circumstances. At this point you must be prepared to be clear, specifically, what your concern is about and what you would like investigated.
- 2.2 You may, if you wish, be accompanied by a friend, relative or interpreter who can speak on your behalf. You must, however, inform the academy of whom you intend to bring to the meeting.
- 2.3 Written records will be kept of all meetings and interviews held in relation to the complaint. The Investigator(s) will prepare a report on the investigation which will be considered by the Head.

3 Decision

- 3.1 The Head will then notify the complainant by telephone, fax, email or letter of his / her decision and the reasons for it within 10 working days from the receipt of the complaint. Where there are exceptional circumstances resulting in a delay, the parents will be notified of this and informed of the new timescales as soon as possible.
- 3.2 Please note that any complaint received within one month of the end of a term or half term is likely to take longer to resolve owing to the presence of school holidays and the unavailability of personnel required for the investigation to be undertaken properly.
- 3.3 [Where a complaint is made by a parent in the EYFS setting, the complaint will be investigated in accordance with this procedure and the complainant notified of the outcome within 28 days of the complaint being received.]
- 3.4 If a parent is dissatisfied with the Head's decision, the complaint may be renewed in writing to the Executive Principal & Chair of Directors using the procedure set out below, at Stage 3 and using the Formal Complaints Form (found in Appendix A).

Stage 3: reference to the Executive Principal & Chair of Directors or their nominated governor(s)

1 Referring the complaint to the Executive Principal & Chair of Directors

- 1.1 If a parent is dissatisfied with the Head's decision under Stage 2, the complaint may be renewed in writing to the Executive Principal & Chair of the Directors using the Formal Complaints Form (found in Appendix A).
- 1.2 To refer the complaint to the Executive Principal & Chair of Directors, the Formal Complaints Form should be put in writing to the Executive Principal & Chair of Directors within five working days of receiving the Head's decision. The form should give full details of the complaint and enclose all relevant documents, together with full contact details.
- 1.3 This request will be acknowledged by telephone, fax, email or letter within four working days during term time and as soon as practicable during the holidays, indicating the action that is being taken and the likely time scale.

2 Investigation

- 2.1 The complaint will be investigated following procedures equivalent to those under Stage 2.
- 2.2 The Chair of Directors will decide who will investigate the complaint at Stage 3, however in most cases this will be the Executive Principal. He/she may choose to delegate the management of the complaint to a nominated governor. This person will be precluded from hearing the complaint at Stage 4.

3 Decision

- 3.1 When the Chair of Directors is satisfied that he / she has established all the material facts, so far as is practicable, he / she will notify the complainant in writing of his / her decision and the reasons for it. He / she will aim to provide a response within ten working days of receiving the letter during term time and as soon as practicable during the holidays.
- 3.2 An impartial mediation service is offered by the Area Schools Support Service as part of the purchased service to academies. Headteachers and the Chair of Directors or their nominated governor should consider whether it would be helpful to use this as part of the outcome of a Stage 3 complaint in order to restore home-school relations.
- 3.3 If a parent is not satisfied with the decision of the Chair of Directors, the parent can request that the complaint be referred to the Complaints Panel using the procedure set out at Stage 4.

Stage 4: Complaints Panel

1 What is a Complaints Panel hearing?

- 1.1 A Complaints Panel (**Complaints Panel**) hearing is a review of the decisions taken by the Head and the Chair of Directors. The Panel will not consider any new areas of complaint which have not been previously raised as part of the complaints procedure.
- 1.2 The role of the Panel is to establish the facts surrounding the complaints that have been made by considering:
 - 1.2.1 the documents provided by both parties; and
 - 1.2.2 any representations made by the Parents, the Head and the Executive Principal & Chair of Directors;and to reach a decision, on the balance of probabilities, as to whether each complaint is made out.
- 1.3 It is not within the powers of the Panel to make any financial award, nor to impose sanctions on staff, pupils or parents. The Panel may make recommendations on these matters or any other issues to the Head and / or to the Governing Body, as appropriate.

2 How to request a Complaints Panel hearing

- 2.1 A request for a hearing before the Complaints Panel must be put in writing to the Chair of Directors within five working days of the decision complained of. The request will usually only be considered if the procedures at Stages 1, 2 and 3 have been completed.
- 2.2 The written request should include:
 - 2.2.1 a copy of all relevant documents and full contact details;
 - 2.2.2 details of all the grounds of the complaint and the outcome desired;
 - 2.2.3 a list of the documents which the parents believe to be in the Academy's possession and wish the Panel to see; and
 - 2.2.4 whether you propose to be accompanied to the hearing by someone who is legally qualified (see paragraph 3.3 below).
- 2.3 If assistance with the request is required, for example because of a disability, please inform the Clerk to the Complaints Panel of this and he / she will be happy to make appropriate arrangements.
- 2.4 The Clerk to the Complaints Panel will acknowledge the request for a hearing in writing within two working days of receipt during term time and as soon as practicable during the holidays.
- 2.5 Every effort will be made to enable the hearing to take place within 15 working days of receipt of the request. However, note that the Panel will not normally sit during half terms or school holidays.

3 Planning the hearing

- 3.1 As soon as reasonably practicable, and in any event at least 10 working days before the hearing, the Clerk to the Complaints Panel will send written notification to each party of the date, time and place of the hearing.
- 3.2 Copies of any additional documents you wish the Panel to consider should be sent to the Clerk to the Complaints Panel to be received at least 5 working days prior to the hearing.
- 3.3 You may be accompanied to the hearing by another person, for example a relative, teacher or friend. The Panel hearing is not legal proceedings and so legal representation is not usually

necessary. If you do wish to be accompanied by someone who is legally qualified, you should have notified the Clerk to the Complaints Panel of this in your initial request for a Panel hearing. If you did not do so and you wish to be accompanied by a legally qualified person, you must inform the Clerk to the Complaints Panel of this at least 5 working days prior to the hearing.

- 3.4 The Clerk to the Complaints Panel will circulate a copy of the bundle of documents to be considered by the Panel to all parties at least 3 working days prior to the hearing.

4 Composition of the Panel

- 4.1 The Panel will normally comprise three individuals who have no detailed prior knowledge of the circumstances on the complaint, including Governing Body members and at least one independent member who has no connection with the governance, management and running of the Academy.
- 4.2 The parents may ask the Clerk to the Complaints Panel to tell them who has been appointed to sit on the Panel ahead of the hearing.
- 4.3 The Panel members will choose one of themselves to be the Chair of the Panel throughout the proceedings.

5 The Panel hearing

- 5.1 The hearing will be conducted in an informal manner.
- 5.2 All those present at the hearing shall have the opportunity to ask questions and make comments in an appropriate manner. The hearing is not a legal proceeding and the Panel shall be under no obligation to hear oral evidence from witnesses but may do so and / or may take written statements into account.
- 5.3 All statements made at the hearing will be unsworn. All present will be entitled, should they wish, to write their own notes for reference purposes. A clerk appointed by the Panel will take a handwritten minute of the proceedings.
- 5.4 All those attending the hearing are expected to show courtesy, restraint and good manners or, after due warning, the hearing may be adjourned or terminated at the discretion of the Chair. If terminated, the original decision will stand. Any person who is dissatisfied with any aspect of the way the hearing is conducted must say so before the proceedings go any further and his / her comment will be minuted.
- 5.5 The Chair may, at his / her discretion, adjourn the hearing for further investigation of any relevant issue. This may include an adjournment to take legal advice.
- 5.6 A hearing before the Complaints Panel is a private proceeding. No notes or other records or oral statements about any matter discussed in or arising from the proceeding shall be made available directly or indirectly to the press or other media.

6 The decision

- 6.1 The Panel will reach a decision on a balance of probabilities unless there is an agreed position.
- 6.2 The decision, findings and any recommendations will be confirmed in writing to you by electronic mail, normally within 5 working days of the hearing. If you do not wish to receive the decision by electronic mail, please inform the Clerk to the Complaints Panel of this and a copy will be given or posted to you.
- 6.3 The decisions, findings and any recommendations will also be available for inspection on the Academy premises by the Governing Body and the Head.
- 6.4 This represents the conclusion of the Academy's complaints procedure.

Further action after all four stages are complete

The Education Funding Agency (EFA) handles complaints about academies and free schools. Part of their role is to make sure that academies comply with the terms of their funding agreement, which is a contract between the academy and the Secretary of State.

In general, the EFA will only consider a complaint after it has been through the academy's own procedure. The EFA will look at complaints about academies that fall into the following areas:

- Undue delay or non-compliance with an academy's own complaints procedure
- An academy's failure to comply with a duty imposed on it under its funding agreement with the Secretary of State.
- An academy's failure to comply with any other legal obligation, unless there is another organisation better placed to consider the matter.

EFA

Email: via the Department for Education's **schools complaints form**

Address: Ministerial and Public Communications Division
Department for Education
Piccadilly Gate
Store Street
Manchester M1 2WD

Telephone: 0370 000 2288 (ask for the EFA Academies Central Unit)

Ofsted has specific powers (under sections 11 A-C of the Education Act 2005 (as amended)) to investigate certain complaints about academies, known as qualifying complaints. Generally, the complainant must have followed the academy's own complaints procedure before referring to Ofsted. Ofsted will only consider complaints about whole academy issues and not those regarding individual pupils.

Ofsted

www.ofsted.gov.uk

Ofsted
Piccadilly Gate
Store Street
Manchester
M1 2WD

Unreasonably persistent complainants

Guidelines

The majority of people with complaints or concerns about academies behave reasonably in pursuing their complaint. This means that they:

- Treat all academy staff with courtesy and respect;
- Respect the needs of pupils and staff within the academy;
- Do not use violence (including threats of violence) towards people or property;
- Recognise the time constraints under which members of staff work and allow the academy a reasonable time to respond to a complaint;
- Recognise that resolving a specific problem can sometimes take some time;
- Follow the academy's complaints procedure

However, a small number of complainants may be deemed "**unreasonably persistent complainants**".

Definitions:

For the purposes of this guidance an "**unreasonably persistent complainant**" is defined as follows:

An unreasonably persistent complainant is a person who repeatedly complains about issues, either formally or informally, or frequently raises issues that s/he considers to be within the remit of the academy and whose behaviour is unreasonable.

Such behaviours may be characterised where complainants display some or all of the following:

Persist in pursuing a complaint where the academy's complaints procedure has been fully and properly implemented and exhausted at all stages (e.g. where several responses have been provided).

Change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions upon receipt of a response. Care must be taken not to discard new issues which are significantly different from the original complaints. These should be addressed as separate complaints.

An insistence upon pursuing unmeritorious complaints and/or unrealistic or unreasonable outcomes; and/or an insistence upon pursuing meritorious complaints in an unreasonable manner. For example,

- Complainants who are unwilling to accept documented evidence of action or who are unwilling to accept that the Board of Directors has reached a final decision on a chosen course of action
- Do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts to help them specify their concerns.
- Continue to seek to pursue the complaint where the concerns identified are not within the remit of the Board of Directors to investigate.
- Focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognised that determining what a "trivial" matter is can be subjective and careful judgements must be used in applying this criteria.
- Have in the course of addressing a complaint, had an excessive number of contacts with the academy, placing unreasonable demands on staff time

- Make unreasonable demands and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the complaints procedure or normal recognised practice

For the purposes of this guidance, "**harassment**" is defined as follows:

Harassment is the unreasonable pursuit of the actions listed above in such a way that they:

- appear to be targeted over a significant period of time on one or more members of academy staff;
- and/or cause ongoing distress to individual member(s) of academy staff;
- and/or have a significant adverse effect on the whole/parts of the academy community;
- and/or are pursued aggressively.

Complainants should be aware that threatening behaviour or the use of physical violence towards staff at any time may cause personal contact with the complainant and/or their representatives to be discontinued and the complainant will, thereafter, only be contacted through written communication. The academy reserves the right to refer to the police if threatening behaviour/physical assault has taken place.

Recordings of meetings or telephone conversations should only occur when all parties have agreed to the recording. Circulation of such recordings to third parties without the prior knowledge and consent of other parties involved constitutes a breach of confidence.

Procedure for dealing with unreasonably persistent complainants

Only the Headteacher, with the agreement of the Executive Principal and Chair of the Directors, may deem a complainant 'unreasonably persistent'.

The Headteacher will ensure that there is sufficient evidence available to justify the decision.

The Chair of the Directors will write to the complainant to explain the decision and the way that future complaints will be dealt with. Any restrictions imposed will be appropriate and proportionate.

Some or all of the following actions may be taken, depending on the particular circumstances of the case:

- Insisting that no member of staff should meet the complainant on his/her own;
- Restricting responses to telephone calls and emails from the complainant to specified days and times;
- Requiring that all future contacts with the academy are in writing, except in emergencies; this includes contacts with members of the governing body, who should only be contacted at the academy address;
- Merely acknowledging correspondence from the complainant that raises issues that have already been dealt with;
- Banning the complainant from the academy premises where the complainant's behaviour constitutes a nuisance or disturbance, with any appointments with staff to be agreed in writing via the Headteacher.

All correspondence from the complainant will be considered and any new and substantive issues will be addressed and a reply sent to the complainant.

New complaints from people who have been deemed unreasonably persistent complainants in the past will be treated on their merits.

If a complainant is deemed to be unreasonably persistent this will not reflect on the academy's treatment of his/her child.

Once a complainant has been determined as persistent and/or unreasonable, such status needs to be regularly reviewed, and, where appropriate, withdrawn at a later date. Such action may be appropriate where a complainant subsequently demonstrates a more reasonable approach or submits a further complaint for which the normal complaints procedures would appear appropriate.

A panel of three directors should review their decision to categorise a complainant as persistent and/or unreasonable every six months.

The panel on review may either withdraw the categorisation of a person as persistent and/or unreasonable or amend the strategy being applied to that person.

If the panel considers it appropriate to withdraw the status of persistent and/or unreasonable, normal contact with the complainant will be resumed. The complainant will be given notice of this decision as soon as practicable.

Copies of all decisions relating to the categorisation of a person as persistent and/or unreasonable will be sent to the Clerk to the Directors who will hold and maintain a central register of such decisions.

The Headteacher's report to the local governing body and the Executive Principal's report to the Directors should outline the number of complainants, if any, who are categorised as persistent and/or unreasonable to enable the Board of Directors to monitor this.

Nothing in this guidance affects an individual's statutory rights.

Appendix A: Formal Complaints Form (Stage 2 – investigation by Head)

Name	
Name of pupil, year group and your relationship to them (where applicable)	
Contact address	
Contact telephone day	
Contact telephone mobile	
Contact email address	
Details of the complaint	
Action taken so far (including staff member who has dealt with it so far) or solutions offered	
The reason that this was not a satisfactory resolution for you	
What action would you like to be taken to resolve the problem?	

Signed:

Date:

<i>Official use</i>	
Date received:	Signed:

Appendix B: Formal Complaints Form (Stage 3 – investigation by Exec Principal/nominated governor)

Name	
Name of pupil, year group and your relationship to them (where applicable)	
Contact address	
Contact telephone day	
Contact telephone mobile	
Contact email address	
Details of the complaint	
Action taken so far (including staff member who has dealt with it so far) or solutions offered	
The reason that this was not a satisfactory resolution for you	
What action would you like to be taken to resolve the problem?	

Signed:

Date:

<i>Official use</i>	
Date received:	Signed: