

The Lotus Academy Trust



Supporting children to find opportunities in every difficulty

The Damara School



Specialist SEMH Independent School

# Complaints Policy and Procedures

**Approved by:** Trust Board

**Initial Ratification:** 31 August 2019

**Review:** October 2020; Sept 22; Sept 24

**Next review due by:** September 2026

## **INTRODUCTION**

Communication, written or spoken, is valued as part of the partnership between home and our school. Co-operation between parent/carers, staff and trustees/governors leads to a shared sense of purpose and a positive atmosphere in the school.

This general complaint procedure which sets out clear procedures will be followed in the event of a complaint, whether it is in the informal, formal or panel hearing stage. This procedure provides a structured opportunity for all concerned to express and resolve concerns at an early stage. A copy of this policy will be provided to all parents of pupils.

The complaints procedure applies only in relation to complaints from parents of pupils, i.e. persons for whom education is being provided at the school. The process therefore does not cover complaints from parents of pupils who have left voluntarily or as a result of being excluded (except in cases where the complaints process was started when the pupil was still being educated at the school). This procedure will cover complaints related to support in our school but does not cover complaints about EHC plans which should be directed towards the local authority. In addition, the complaints procedure does not apply to prospective pupils, and therefore, does not cover failure to admit such pupils. (See appendix 1)

It is important that a written record is to be kept of all complaints that are made whether they are resolved following a formal procedure, or proceed to a panel hearing; and any action taken by the school as a result of those complaints (regardless of whether they are upheld).

The following structure for the consideration and resolution of complaints (informal, formal or hearing stage) will be followed.

### **STAGE ONE: Teacher (or Head of School if immediately involved)**

#### **Dealing with concerns/complaints informally (INFORMAL)**

Any parent/carer who has a concern/complaint should contact the appropriate member of staff. If the member of staff cannot deal with the matter immediately, s/he should make a clear note of the date, name, contact address or phone number of the complainant and make contact at a more convenient time.

The member of staff dealing with the concern/complaint should make sure that the parent/carer is clear what action (if any) or monitoring of the situation has been agreed. If no satisfactory solution has been found within 10 working days, the complainant may refer the complaint to the Head of School (level one) or Chair of Trust Board (level two) if the complaint is about the Head of School.

### **STAGE TWO – Level One (FORMAL)**

#### **Investigation by the Head of School (if the complaint is not against the Head of School)**

The complainant should make a written complaint to the Head of School using the Complaints Form (Appendix 2). The complaint should be acknowledged within 3 working days of receipt. The written acknowledgement should give a brief explanation of the school's General Complaints Procedure and a target date for providing a response to the

complaint. This will normally be within 10 working days. If this proves impossible, a letter will be sent explaining the reason for the delay and giving a revised target date.

The Head of School should provide an opportunity for the complainant to meet him/her to provide any further information relevant to the complaint. Depending on the reason for the complaint, statements from witnesses may be required.

The Head of School should keep written records of meetings, telephone conversations and other documentation. When all the relevant facts have been established, the Head of School should produce a written response to the complainant.

The written response should include a full explanation of the decision and the reasons for it. Where appropriate, this should include any action the school will take to resolve the complaint. The complainant should be advised that if s/he wishes to take the matter further, s/he should notify the Chair of the Trust Body within 10 working days of receiving the outcome letter.

## **STAGE TWO – Level Two (FORMAL)**

### **Investigation by the Chair of Trust Board**

If the Chair of Trust has been involved at an earlier stage – the complaint must be referred to the Trust Body's Complaints Panel. If there has been no previous involvement, the complainant should make a written complaint to the Chair of Trust.

The complaint should be acknowledged within 3 working days of receipt. The written acknowledgement should give a brief explanation of the school's General Complaints Procedure and a target date for providing a response to the complaint. This should normally be within 10 working days. If this proves impossible, a letter should be sent explaining the reason for the delay and giving a revised target date.

The Chair of Trust should provide an opportunity for the complainant to meet him/her to provide information relevant to the complaint. Depending on the reason for the complaint, statements from witnesses may be required.

The Chair of Trust should keep written records of meetings, telephone conversations and other documentation.

When all the relevant facts have been established, the Chair of Trust should produce a written response to the complainant. The written response should include a full explanation of the decision and the reasons for it. Where appropriate, this should include any action the school will take to resolve the complaint. The complainant should be advised that if s/he wishes to take the complaint further, s/he should notify the Chair of the Trust within 10 working days of receiving the outcome letter.

## **STAGE THREE (PANEL HEARING)**

At Stage Three, the complaint may be referred to the Trust Body's Complaints Panel, or the Complaints Panel may wish the Local Authority to investigate on behalf of the Trust Body as part of a Service Level Agreement.

If the complaint is to be considered by the Complaints Panel, it is very important that discussion about the complaint does not take place outside of the Complaints Panel. This would prejudice a fair hearing.

It is only possible to move to stage three if the complainant has:

- sought to resolve the concern through approaches to the school as described in Stages One and Two

- allowed reasonable time (normally no more than four school weeks) for investigation of the concern
- accepted any reasonable offer by the school to discuss the result of the investigation
- taken part in any process of mediation offered by the school
- made the initial complaint within two months of the incident occurring.

The Trust Body should have established a Complaints Panel to deal with school complaints (this could be the committee that deals with Pupil Discipline, since the procedures will be similar). It should be the responsibility of the Complaints Panel to hear and decide about formal complaints that have not been resolved at the earlier stages of the General Complaints Procedure.

The panel should consist of at least three governors who have not previously been involved in dealing with the complaint, and the Chair of the panel should be named. The Head of School should not be a member of the panel. When there is a panel hearing, one panel member is independent of the school's management and running. The independent member should not only be outside the school's workforce, and not a member of governing body/proprietary body, but also should not be otherwise involved with the management of the school - for example, this might well be the case with a solicitor who regularly acts for a school.

Upon receipt of a written request by the complainant for the complaint to proceed to Stage Three, the procedures outlined below should be followed.

The Chair of the Trust Body should write to the complainant to acknowledge receipt of the written request. The acknowledgement should inform the complainant that the Trust Body's Complaints Panel will hear the complaint within 20 working days.

The Clerk to the Trust Body should convene a meeting of the Complaints Panel within the agreed timescale. The clerk should be responsible for making all the arrangements for the meeting, including the time and place. The complainant, Head of School, any relevant witnesses and members of the Complaints Panel should be informed at least five working days in advance of the date, time and place of the meeting.

If a parent does not exercise the right to attend a panel hearing, this does not remove the school's obligation to hold the hearing in conformity with this complaints policy. The school's arrangements for the panel hearing should be reasonable to facilitate the parent(s) exercising the right of attendance.

The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/advocate/interpreter. The letter should also explain how the meeting will be conducted.

The Head of School should be invited to attend the Complaints Panel meeting and to prepare a written report for the Panel in response to the complaint. Any relevant documents, including the Head of School's report, should be received by all concerned, including the complainant, at least five days prior to the meeting. The meeting should be appropriately minuted.

The meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. The Panel should try to ensure that the meeting is not too formal or intimidating for those involved. All should be told the names of everyone present and have the procedure explained to them at the beginning of the meeting.

The meeting should allow

- The complainant to explain his/her complaint/s and the Head of School to explain the school's response.
- The complainant to question the Head of School and/or other members of staff about the school's response, and the Head of School to question the complainant about the complaint.
- Panel members to have an opportunity to question the complainant, the Head of School and any witnesses, as appropriate.
- Final statements by both the Head of School and the complainant.

The Chair of the Panel should explain to the complainant and the Head of School that the Panel will now consider its decision, and that a written decision will be sent to both parties within seven working days. The complainant, Head of School and other members of staff and witnesses should leave the meeting.

The Panel should then consider the complaint and all the evidence presented and:

- a) reach a majority decision on the complaint
- b) decide upon the appropriate action to be taken to resolve the complaint
- c) where appropriate, recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again. Recommendations should be reported to the Governing Body at an appropriate time;
- d) where appropriate to do so, recommend any further action. The Clerk to the Trust Body should send the complainant, the Head of School and Chair of Trust a letter with the outcome of the meeting within seven working days of the meeting.

No appeal to the governing body is available in the matter of the complaint. If the outcome of the governor body's investigation finds that there is a personnel disciplinary issue, the matter must be referred to the appropriate committee and the Schools' agreed disciplinary procedures followed. In respect of a grievance arising from a member of staff, this should be heard separately under existing grievance procedures.

Once the panel has made its findings and recommendations, a written copy of those findings and recommendations is provided to the complainant and, where relevant, the person complained about; and available for inspection on the school premises by the proprietor and the Headteacher.

If the Local Authority is asked to investigate the complaint on behalf of the Governing Body, the investigation will be carried out as part of a Service Level Agreement.

The Local Authority will provide an opportunity for all of those involved to provide information relevant to the complaint. Depending on the reason for the complaint, statements from witnesses may be required.

When all the relevant facts have been established, the designated officer will produce a written report based on the evidence presented with appropriate recommendations. The report will be sent to the Chair of the Complaints Committee.

The Chair of the Complaints Committee should then write to the complainant with a full explanation of the outcome of the investigation which could include:

- dismissing the complaint in whole or in part;
- upholding the complaint in whole or in part;
- deciding on the appropriate action to be taken to resolve the complaint;

- recommending changes to the school systems or procedures to ensure that problems of a similar nature do not happen again.

The complainant should be advised that should s/he wish to take the complaint further, s/he should notify the Chair of the Trust within 10 working days of receiving the outcome letter.

All 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.

A summary of Stages 1-3 can be found in Appendix 3.

## **STAGE FOUR (FORMAL)**

### **Complaint to the Local Authority**

If the complainant wishes to pursue the matter further, the Local Authority will only consider the case if the complaint is one deemed relevant under Section 409 of the Education Act 1996 (Complaints and enforcement). Such a request must be addressed to the Group Director, Schools and Children's Services and be received within 15 days of the date of the letter giving the outcome of the meeting held at Stage Three of the General Complaints Procedure.

The Local Authority has a statutory responsibility to consider a relevant complaint about the curriculum which has not been resolved by the Governing Body. The procedures for dealing with such a complaint are contained in the Local Authority's "Arrangements for the consideration of Complaints about the School Curriculum and Related Matters".

There is no further appeal to the Local Authority.

## **STAGE FIVE (FORMAL)**

### **Complaint to the Secretary of State**

If a complainant wishes to pursue the complaint s/he has recourse to the Secretary of State. Complaints can be taken to the Secretary of State for Education and Employment under Section 496 of the Education Act 1996, on the grounds that a Trust Body or Local Authority is acting or proposing to act unreasonably, or under Section 497 of the same Act, on the grounds that either the Governing Body or the LEA has failed to discharge its duties under the Act. Use the following link to make a complaint <https://www.gov.uk/complain-about-school>. The Secretary of State may contact the Trust Body or the Local Authority for more information in order to consider the complaint. It should also be noted that if it is found that this standard has not been met because of the way a particular complaint has been handled, the Secretary of State has no power to compel the school to alter its decision on that complaint, only to take regulatory action designed to address the failure to meet the complaints standard, so that future complaints are dealt with properly.

### **Appendix 1: Matters excluded from the scope of this policy and procedure**

<b>Excluded Matters</b>	<b>Signposting</b>
Admissions	The process for challenging admissions decisions is set out in our admissions policy in accordance with relevant statutory guidance
Child protection matters	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have

	serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH)
Exclusions	The process for challenging exclusions decisions is set out in the DfE's statutory guidance and information can be found at <a href="https://www.gov.uk/government/publications/school-exclusion">https://www.gov.uk/government/publications/school-exclusion</a>
National Curriculum content	Please contact the Department for Education at <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>
Complaints about services provided by other providers who may use academy premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them directly
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures
Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed
Statutory assessments of Special Educational Needs (SEN)	Concerns about statutory assessments of special educational needs should be raised direct with the local authority
Whistleblowing	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns should complain through the school's complaints procedure. You may also be able to complain direct to the Department for Education (see link above), depending on the substance of the complaint</p>

## Appendix 2: Complaints form

Complaints form	
Your name	
Pupil Name	
Your relationship to pupil	
Your address including postcode	





Are you attaching any paperwork? If so, give details here:

**Your signature**..... **Date** .....

All functions of the complaints procedure must adhere to the requirements of the Data Protection Act 2018 and the Freedom of Information Act 2000.

Please complete and return to the school office in a sealed envelope addressed to the Headteacher or Company Secretary (as appropriate).

**Office use**

Date received .....Name of staff .....

Date acknowledgement sent ..... Name of staff .....

Responsible member of staff .....

### Appendix 3: Summary of Complaints Procedure

<b>Stage 1: Informal concerns</b>	<ul style="list-style-type: none"> <li>• Complainant brings complaint to attention of member of staff</li> <li>• Issue to be resolved within 10 working days</li> <li>• Where no satisfactory solution has been found, complainant to be advised that they should proceed to Stage 2</li> </ul>
<b>Stage 2: Formal Written Complaint</b>	<ul style="list-style-type: none"> <li>• Complainant to put complaint in writing using Complaint Form</li> <li>• Complaint to be acknowledged within 3 working days</li> <li>• Response to the complaint sent within 10 working days</li> <li>• If complainant wishes to take the complaint further, s/he should notify the Chair of the Trust within 10 working days of receiving the outcome letter</li> </ul>
<b>Stage 3: Referral to Complaints panel</b>	<ul style="list-style-type: none"> <li>• It is only possible to move to stage three if the complainant has: <ul style="list-style-type: none"> <li>○ sought to resolve the concern through approaches to the school as described in Stages One and Two</li> <li>○ allowed reasonable time (normally no more than four school weeks) for investigation of the concern</li> <li>○ accepted any reasonable offer by the school to discuss the result of the investigation</li> <li>○ taken part in any process of mediation offered by the school</li> <li>○ made the initial complaint within two months of the incident occurring</li> </ul> </li> <li>• The panel must consist of at least three governors who have not previously been involved in dealing with the complaint. One panel member is independent of the management and running of the school</li> <li>• Complaints Panel will hear the complaint within 20 working days.</li> <li>• Complainant, Head of School, any relevant witnesses and members of the Complaints Panel should be informed at least five working days in advance of the date, time and place of the meeting</li> <li>• Any relevant documents and reports should be received at least five days prior to the meeting.</li> <li>• Complainant has the right to be accompanied to the meeting by a friend/advocate/interpreter</li> <li>• A letter with the outcome of the meeting must be sent within seven working days of the meeting.</li> <li>• If the complainant wishes to take the complaint further, s/he should notify the Chair of the Trust within 10 working days of receiving the outcome letter.</li> <li>• All correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an</li> </ul>

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