



Policy No 48

Concerns and Complaints Policy

Lancaster Royal Grammar School

1 Introduction

- 1.1 **Circulation:** This policy is addressed to all members of the teaching and pastoral staff and on request to parents.
- 1.2 This policy can be made available in large print or other more accessible format, if required. If you require assistance with making a complaint, for example because of a disability, please contact the Complaints Co-ordinator (see 3.1) who will be happy to make appropriate arrangements.
- 1.3 **Policy status:** The policy has been approved by the Governing Body of Lancaster Royal Grammar School. It provides guidelines for handling concerns and complaints in accordance with Part 7 of the Independent School Standards Regulations (ISSR) 2014/3284. The policy takes account of the School's public sector equality duty set out in section 149 of the Equality Act 2010.
- 1.4 The policy applies to all sections of the school. The procedures set out below may be adapted as appropriate to meet the policy aims and circumstances of each case. Certain of the procedures can only be carried out during term time.
- 1.5 **Application:** Separate procedures apply in the event of a child protection issue, or in relation to admissions or exclusions.
- 1.6 **Parent(s) / You:** Includes a current parent or legal guardian or education guardian, and may at our discretion include a parent whose child has recently left the School.
- 1.7 **Four stages:** This policy describes a four stage procedure:
- **Stage 1:** informal raising of a concern or difficulty notified orally or in writing to a member of staff
 - **Stage 2:** a formal complaint in writing to the Head.
 - **Stage 3:** a renewed complaint in writing to the Chairman of the Governing Body
 - **Stage 4:** a reference to the Complaints Panel
- 1.8 **Timescales:** 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 School is open during term time. The dates of terms are published on the School's website.
- 1.9 **A concern about the safety of your child should be notified immediately to the person you believe is best placed to take urgent action and should be confirmed in writing to the Head.**

2 Policy aim and statement

- 2.1 **Aim:** The aim of this policy is to ensure that a concern or complaint is managed sympathetically, efficiently and at the appropriate level, and resolved as soon as possible. Doing so is good practice, it is fair to those concerned and it helps to promote parents' and pupils' confidence in our ability to safeguard and promote welfare. We will try to resolve every concern or complaint in a positive way with the aim of putting right a matter which may have gone wrong and, where necessary, reviewing our systems and procedures in light of the circumstances.

- 2.2 **Policy statement:** We need to know as soon as possible if there is any cause for dissatisfaction. We recognise that a difficulty which is not resolved quickly and fairly can soon become a cause of resentment, which would be damaging to relationships and also to our culture. Parents and pupils should never feel (or be made to feel) that a complaint will be taken amiss or will adversely affect a pupil or his opportunities at this School. The policy, however, distinguishes between a concern or difficulty which can be resolved informally and a formal complaint which will require investigation.

3 Management of complaints

- 3.1 In most cases, the Head will act as Complaints Co-ordinator, to be responsible for the coordination and administration of the Complaints Procedure. However, in some cases, or when the Head is unavailable or is the subject of the complaint, the duties of the Complaints Co-ordinator will be carried out by one of the Deputy Heads.

The main responsibilities of the Complaints Coordinator are to:

- be the first point of contact while the matter remains unresolved and keep records
- co-ordinate the complaints procedures across the School
- arrange assistance for parents who require this, for example, because of a disability
- maintain an on-going training programme for all School employees in relation to complaints
- monitor the keeping, confidentiality and storage of records in relation to complaints
- (if appropriate) report regularly to the Head with respect to complaints.

4 Stage 1: concerns and difficulties

- 4.1 **Concerns:** We expect that most concerns, where a parent or pupil seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Examples might include dissatisfaction about some aspect of teaching or pastoral care, or about allocation of privileges or responsibilities, or about a timetable clash or some other aspect of the School's systems or equipment. 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**.
- 4.2 **Notification:** If appropriate, please raise the concern initially with the subject teacher or Form Tutor.
- 4.3 **Acknowledgement:** We will acknowledge a written notification by telephone, e-mail or letter within two Working Days of receipt during term time and as soon as practicable in the holidays.
- 4.4 **Unresolved concerns:** A concern which has not been resolved by informal means within fifteen Working Days should be notified in writing as a formal complaint which will be dealt with in accordance with **Stage 2** below.

5 Stage 2: formal complaint

- 5.1 **Notification:** An unresolved concern under **Stage 1**, or a complaint which needs investigation, or dissatisfaction with some aspect of the school's policies, procedures, management or administration should be set out in writing with full details and sent with all relevant documents and your full contact details in an envelope addressed to the Head.

If the complaint is about the Head, it will be referred to the Chairman of the Governing Body. If you are dissatisfied with the Chairman's decision under **Stage 2** and you wish to proceed to Stage 3 of the procedure, your complaint should be renewed in writing to the Vice Chairman of the Governing Body via the Clerk to the Governors.

Your complaint will be acknowledged by telephone e-mail or letter within two Working Days During Term time, indicating the action that is being taken and the likely time scale.

- 5.2 **Investigation:** The Head (or Chairman if appropriate) 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. The outcome of the investigation will be reported to the Head (or Chairman) who will then notify you by telephone, e-mail or letter of his decision and the reasons for it. Written records will be kept of all meetings and interviews held in relation to your complaint.
- 5.3 **Outcome:** The Head's (or Chairman's) aim would be to inform any complainant of the outcome of an investigation and the resolution to the complaint within 28 Working Days from the receipt of the complaint. Please note that any complaint received within one month of the end of term or half term is likely to take longer to resolve owing to the presence of school holidays and the unavailability of personnel.

6 Stage 3: reference to the Chairman

- 6.1 **Further steps:** If you are dissatisfied with the Head's decision under **Stage 2**, your complaint may be renewed in writing to the Chairman of the Governing Body via the Clerk to the Governors addressing the letter to the Chairman of Governors.

If the complaint is about the Head and you are dissatisfied with the Chairman's decision under **Stage 2**, your complaint may be renewed in writing to the Vice Chairman of the Governing Body via the Clerk to the Governors.

- 6.2 **Notification:** You should write to the Chairman within five Working Days of receiving the Head's decision. Your letter to the Chairman should give full details of your complaint and enclose all relevant documents and your full contact details. Your letter will normally be acknowledged by telephone, e-mail or letter within four Working Days during term time, indicating the action that is being taken and the likely time scale.
- 6.3 **Action by the Chairman:** The Chairman will arrange for your complaint to be investigated following procedures equivalent to those described in **Stage 2** (above). When the Chairman is satisfied that he/she has established all the material facts and relevant policies, so far as is practicable, he/she will notify you in writing of his decision and the reasons for it. He or she will aim to provide a response within fifteen Working Days of receiving your letter. If you are not satisfied with the Chairman's decision, you may ask for the complaint to be referred to the Complaints Panel, by writing to the Clerk to the Governors (see paragraph 7.6 below).

7 Stage 4: reference to the Complaints Panel

- 7.1 A Complaints Panel (**Panel**) Hearing (the **Hearing**) is a review of the decisions taken by the Head and the Chairman. The Panel will not consider any new areas of complaint which have not been previously raised as part of the complaints procedure.
- 7.2 **The role of the Panel:** The Panel's task is to establish the facts surrounding the complaints that have been made by considering:

- the documents provided by both parties and
- any representations made by you, the Head or the Chairman.

7.3 If, after establishing the facts, the Panel consider that the complaint is made out, they will uphold the complaint. If the Panel consider that the complaint is not made out, they will dismiss the complaint.

The decision of the Panel will be a majority decision and made by applying the balance of probabilities.

7.4 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 or any other issues to the Head or to the full body of Governors as appropriate.

7.5 **Composition:** The Complaints Panel will consist of at least three people who are not directly involved in the matters detailed within the complaint, one of whom is independent of the management and running of the school.

7.6 **Notification:** To request a Hearing before the Complaints Panel please write to the Clerk to the Governors within five Working Days of the decision complained of. Your request will usually only be considered if you have completed the procedures at **Stages 1, 2** and 3. Please ensure that a copy of all relevant documents and your full contact details accompany your letter to the Clerk to the Governors. Please state in your letter the outcome that you desire and all the grounds of your complaint. Please also send the Clerk to the Governors a list of the documents which you believe to be in the School's possession and wish the Panel to see. The Clerk to the Governors will acknowledge your request in writing within two Working Days. If you require assistance with your request, for example, because of a disability, please contact the Clerk to the Governors who will be happy to make appropriate arrangements.

7.7 **Convening the Panel:** The Clerk to the Governors will convene the Complaints Panel as soon as reasonably practicable, but the Panel will not normally sit during half terms or school holidays. The Panel will consist normally of a minimum of three individuals who have no detailed prior knowledge of the circumstances of the complaint. One member of the Panel will be an independent member. You may ask the Clerk to the Governors to tell you who has been appointed to sit on the Panel.

7.8 **Notice of Hearing:** Every effort will be made to enable the Panel Hearing to take place within ten Working Days of the receipt of your request. As soon as reasonably practical and in any event, at least seven Working Days before the Hearing, the Clerk to the Governors will send you written notification of the date, time and place of the Hearing, together with brief details of the Panel members who will be present.

7.9 **Attendance:** You will be invited to attend the Hearing and may be accompanied by one other person such as a relative, teacher, or friend. It is not necessary for that person to be legally qualified but if you do wish to be accompanied by a legally qualified person, acting in their professional capacity, please notify the Clerk to the Governors at least five Working Days before the Hearing. Copies of additional documents you wish the Panel to consider should be sent to the Clerk to the Governors at least three clear Working Days prior to the Hearing.

7.10 **Chair:** The Hearing will be chaired by one member of the Panel (chosen by themselves) and will be conducted in an informal manner.

- 7.11 **Hearing:** 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 handwritten minute of the proceedings will be taken during the Hearing.
- 7.12 **Evidence:** The Chair will conduct the Hearing in such a way as to ensure that all those present have the opportunity of asking questions and making 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.
- 7.13 **Conduct:** 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.
- 7.14 **Adjournment:** 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.
- 7.15 **Decision:** After due consideration of the matters discussed at the Hearing, the Panel shall reach a decision unless there is an agreed position. The Panel's decision, findings and any recommendations may be notified orally at the Hearing or subsequently and shall be confirmed in writing to you by electronic mail where appropriate within seven Working Days. If you do not wish to receive the decision by electronic mail, a copy will be given or posted to you. The decisions, findings and any recommendations will be available for inspection on the Academy premises by the Governing Body and the Head. Reasons for the decision will be given. The decision may include recommendations and will be sent to you, the Chairman of the Governing Body, the Head and, where relevant, any person about whom the complaint has been made.
- 7.16 **Private proceeding:** 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.
- 7.17 **Confidentiality:** A written record will be kept of all complaints, and of whether they are resolved at **Stage 1** or proceed to a panel Hearing. The number of complaints registered under the formal procedure during the preceding school year will be supplied to parents on request.
- 7.18 Correspondence, statements and records relating to individual complaints will be kept confidential except to the extent required by paragraph 33(k) of Independent School Standards Regulations (ISSR 2014); that is where access is requested by the Secretary of State or where disclosure is required in the course of the Academy's inspection or under other legal authority. In accordance with data protection principles, details of individual complaints will normally be destroyed following each inspection. In exceptional circumstances, some details will be retained for a further period as necessary.
- 7.19 If you are dissatisfied with the decision of the Complaints Panel, you may contact the Education and Skills Funding Agency (**ESFA**) which will consider the complaint on behalf of the Secretary of State. The ESFA's contact details are provided under Appendix 2 attached to this document.

Appendix 1

Unreasonable Complainants

The School 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 School 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 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 Head or Chair of Governors will discuss any concerns with the complainant informally before applying an ‘unreasonable’ marking.

If the behaviour continues the head teacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the 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 the School.

Barring from the School Premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the head teacher or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Head or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

Appendix 2

Contacting the *ESFA*

If you are dissatisfied with the decision of the Complaints Panel you should contact the ESFA which will, on behalf of the Secretary of State, consider complaints that have failed to be resolved through the School's complaints procedure.

The ESFA's Contact Us form:

https://form.education.gov.uk/service/Education_and_Skills_Funding_Agency__ESFA__enquiry_form

Or by writing to:

ESFA – Academies Complaint and Customer Insight Unit
Cheylesmore House
Quinton Road
Coventry
CV1 2WT

Or you can email: complaints.ESFA@education.gov.uk

Contacting Ofsted

The School is inspected by Ofsted, an independent organisation which reports to the Government on schools and academies. Parents have the right to contact an inspector if they have a complaint. Ofsted will usually expect parents to have followed the School's formal complaints procedure before contacting them. However, you can report your concerns to Ofsted on 0300 123 1231 or you can write to the Ofsted Regional Office.

North	Midlands	South	London
Ofsted Piccadilly Gate Store Street Manchester M1 2WD	Ofsted Building C Cumberland Place Park Row Nottingham NG1 6HJ	Ofsted Freshford House Redcliffe Way Bristol BS1 6LX	Ofsted Aviation House 125 Kingsway London WC2B 6SE