



## COMPLAINTS POLICY

Policy Written: 13 February 2017

Policy Reviewed: 15<sup>th</sup> July 2020

Policy Reviewer: Sarah Sherwood

Next Review Date: 15<sup>th</sup> July 2021

Review Cycle: Annual



The School endeavours to provide the best education possible for all of its students in an open and transparent environment. We welcome any feedback that we receive from students, parents and other stakeholders, and we accept that not all of this will be positive. Where concerns or complaints are raised the School intends for these to be dealt with:

- fairly
- openly
- promptly
- without prejudice

The school differentiates between complaints and concerns.

### **Raising Concerns**

The School recognises the Department for Education's definition of a concern as *"an expression of worry or doubt over an issue considered to be important for which reassurances are sought"*. (Best Practice Guidance for School Complaints Procedures 2019). A written expression of worry or doubt may also be processed as a concern. A concern expresses a hopeful resolution to what you, at least, consider a problem.

The majority of concerns can be dealt with without resorting to the complaints procedure. Where you have a concern about any aspect of the School or your child's education or wellbeing, you should raise this with your child's form tutor via email, telephone or in person. They may be able to address your concerns straight away, or arrange a meeting with you to discuss the issue.

All concerns will be dealt with confidentially, although the staff member may need to take notes if they feel that the matter may need to be taken further or it may arise again in the future. Any such notes will be kept in accordance with the principles of the Data Protection Act 1998. However, such notes would be able to be used as evidence if further investigation was required, or if the concern became a formal complaint.

### **Complaints**

The School uses the Department for Education's definition of a complaint, *"an expression of dissatisfaction however made, about actions taken or a lack of action"*. (Best Practice Guidance for School Complaints Procedures 2019). It is generally something that expresses a desire for redress of a grievance.

In order to deal with complaints fairly, openly, promptly and without prejudice, the Governing Body of the School has approved the following complaints procedure which explains what you should do if you have any complaints about the School. All members of staff will be familiar with the procedure and will be able to assist you.

If a complainant raises repeated complaints, the Head of School reserves the right to elevate these to the Unreasonable Complaints and Serial and Persistent Complaints Procedure.



Sometimes, when concerns or complaints are more specific, there are alternative and more appropriate policies for dealing with them. The following list details specific topics of complaints and the correct policy to refer to. These policies can be accessed on the School's website or requested from the School office.

- Safeguarding/child protection: If there is a safeguarding allegation or concern refer to the Safeguarding Policy on our website. The LADO at Oxfordshire Safeguarding Board on 01865 85956.
- Admissions: Please refer to the Admissions Policy and Procedure on our website.
- Exclusions: Please refer to the Exclusions Policy on our website.
- Subject Access Requests: Please refer to the Data Protection Policy on our website.
- Staff complaints: School staff will refer to the Whistleblowing Policy. A separate procedure for staff complaints and employment grievances are outlined in the Staff Handbook.
- Student complaints: Students will refer to their own separate complaints procedure set out in the Learner Handbook.

Anonymous complaints will be investigated as far as possible.

### **Safeguarding**

Safeguarding is our highest priority at LVS Oxford.

Wherever a complaint indicates that a young person's wellbeing or safety is at risk, the School will act in accordance with its Safeguarding Policy which can be found on the School's website <https://www.lvs-oxford.org.uk/>

### **Social Media**

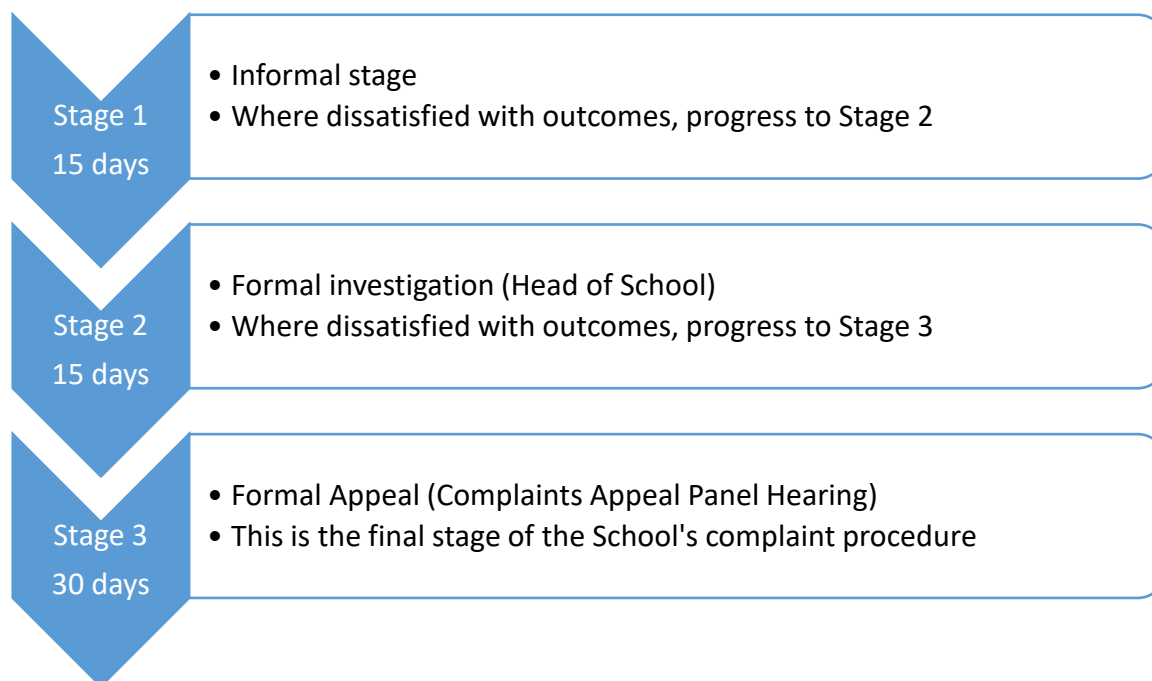
In order for complaints to be resolved as quickly and fairly as possible, the School requests that complainants do not discuss complaints publically via social media such as Facebook and Twitter. Complaints will be dealt with confidentially for those involved and we expect complainants to observe confidentiality as well.

### **Complaints that result in staff capability and disciplinary**

If at any stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the Head of School. The complainant is entitled to be informed that the matter is being dealt with appropriately, but they are not entitled to participate in the proceedings and will not receive any detail about them or the outcome.

### **Complaints Procedure**

In order to ensure that complaints are dealt with efficiently and effectively, the School has a three stage process:



### Timeline for complaints

All timescales in this document refer to school working days, i.e. excluding weekends, school holidays and bank holidays.

### Timeframes

The School will endeavour to keep to the timeframes stated under each stage, but acknowledges that in some circumstances, this is not always possible due to the complexity of the issue being investigated or the availability of a particular individual to deal with the complaint. As soon as it becomes apparent that it is not going to be possible to complete any particular stage within the given timeframe, the person responsible for handling the complaint will contact the complainant and come to an agreed timeframe that works for all parties involved, this contact will be made within the procedure's timeframes.

The School expects all complaints to be raised at Stage 1 promptly and within 3 months of the date the matter concerned occurred.

The School reserves the right not to investigate complaints that have been made 3 months after the subject of the complaint took place, except in exceptional circumstances. In this context, exceptional circumstances mean that new evidence has come to light, where the complaint is of an especially serious matter or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time. The Head of School will review the situation and decide whether or not to enact the Complaints Procedure, informing the Governing Body of the decision.



Where a complaint concerns the Head of School, the complainant should in the first instance approach the Head of School directly in an attempt to resolve the issue informally. If the complainant is not satisfied with the outcome, or if they have good reason to feel that it is inappropriate to approach the Head of School in the first instance, they should contact the Director of Special Educational Needs.

Where a complaint concerns a member of the Governing Body or a Trustee, the complainant should contact Ms J Rickman, Team Secretary. Informal resolution will be sought, but where this fails, the complaints procedure at Stage 2 will take immediate effect with the Chair of Trustees or another nominated Trustee undertaking the investigation. Where a complaint concerns the Chair of Trustees, the investigation will be carried out by the Vice Chair or another nominated Trustee.

### **Stages of the Complaint Procedure:**

#### **Stage 1 – Informal Stage**

It is the intention of the school that most complaints can be resolved successfully in a quick and informal manner.

1. The complainant will initially address the complaint to the appropriate tutor. The complaint may be made in person, by telephone or in writing.
2. The complainant must explain an overview of the complaint and the action they would like to be taken to reach a resolution.
3. The tutor will acknowledge any complaint not made in person within 5 days and explain what action they intend to take.
4. If the individual tutor cannot resolve the issue, the matter will be referred to the Deputy Head. Complaints made directly to the Deputy Head or Head of School will be referred to the relevant tutor unless it is deemed appropriate to be addressed at managerial level.
5. The complainant may be invited to attend an informal meeting with the tutor to discuss the complaint. Where the complaint is about a member of staff an informal mediation meeting may be offered to see if a resolution can be reached.
6. Confirmation of the outcome and any actions to be taken as a result of the complaint will be provided to the complainant within 15 days of the complaint.
7. A record of the complaint and the outcome will be made and retained in accordance with the Data Protection Act 1998.



Where as a result of raising a complaint at the informal stage, a complainant feels that an issue has not been resolved or is not satisfied with the outcome of Stage 1, he/she may progress to Stage 2 of the Complaints Procedure by making a formal written complaint. In doing so, the following steps will be adhered to:

1. The complainant will submit a Stage 2 Complaints Form (Appendix A) to the Head of School at [info@lvs-oxford.org.uk](mailto:info@lvs-oxford.org.uk) for the attention of the Head of School, or write to the Head of School at LVS Oxford. A copy of this form is available on request from [info@lvs-oxford.org.uk](mailto:info@lvs-oxford.org.uk) or from our website [www.lvs-oxford.org.uk](http://www.lvs-oxford.org.uk). The School recognises that the expression of a complaint in writing might be difficult for some individuals and requests that the complainant contacts the School's reception if he/she requires assistance to record their formal complaint.
2. The complainant must submit the form within 20 days of receipt of the outcome of Stage 1 or within 3 months of the date the matter complained of occurred (whichever is the later date), or it will not be considered, except in exceptional circumstances (defined above).
3. The Head of School will respond in writing within 5 days of receiving the complaint to acknowledge receipt and explain what action will be taken, giving clear timeframes.
4. In most cases, the Head of School will offer to have a meeting with the complainant at the outset of this stage of the process to discuss the issue, possible solutions and what will happen as a result of the complaint.
5. The Head of School will carry out a formal investigation of the complaint and consider all relevant evidence, which may include, but is not limited to:
  - evidence and outcome from Stage 1
  - a statement from the complainant
  - where relevant, a meeting with/statement from an individual who is the subject of the complaint
  - any previous correspondence regarding the complaint
  - any supporting documents from all parties
  - interview with anyone related to the complaint.
6. After considering the available evidence, the Head of School may:
  - uphold the complaint and direct that certain action be taken to resolve it
  - not uphold the complaint and provide the complainant with details of the Stage 3 appeals process
  - uphold the complaint in part. In other words, the Head of School may find one aspect of the complaint to be valid, but not another aspect. They may direct for certain action to be taken to resolve the aspect that they find in favour of the complainant.
7. The Head of School will inform the complainant of their decision in writing within 15 days of receipt of the formal complaint. They will explain clearly why they have come to the decision that they made. They will detail any agreed actions as a result of the complaint. Finally, they will provide the complainant with details of how to progress the complaint to Stage 3 if they are not satisfied with the outcome, providing them with the contact details of Sarah Sherwood, Director of SEN.



8. In addition to making the response in writing, the Head of School may also wish to meet the complainant to discuss/resolve the matter directly.

### **Stage 3 – Formal Appeal (Complaints Appeal Panel Hearing)**

If the complainant wishes to appeal a decision by the Head of School at Stage 2 of the procedure, or he/she is not satisfied with the outcome or action that the Head of School took in relation to the complaint at Stage 2, the complainant is able to appeal this decision to the Complaints Appeal Panel. The following steps will be adhered to:

1. The complainant must request an appeal panel within 10 days of receiving the Head of School's decision or it will not be considered, except in exceptional circumstances (defined above). He/she should write to the Director of SEN outlining the content of the complaint in writing, the action they are seeking to resolve the matter and request that a Complaints Appeal Panel is convened.
2. The Director of SEN will write to the complainant within 5 days to confirm receipt of the appeal request and detail further action to be taken.
3. The Director of SEN will fulfil the role of organising the time and date of the appeal hearing, inviting all the attendees, collating all the relevant documentation and distributing this 5 days in advance of the hearing, recording the proceedings in the form of minutes and circulating these and the outcome of the hearing. The minutes are a summary of the discussion at the hearing and the decision of the panel following the hearing, but will not include the deliberations of the panel.
4. The Director of SEN will convene the Complaints Appeal Panel, a panel of at least 3 people not directly involved with the matters detailed in the complaint, one of whom will be independent of the management and running of the school.
5. In addition to the panel, the following parties will be invited, where applicable:
  - the complainant
  - the Head of School who dealt with the complaint at Stage 2
  - relevant witnesses.
6. The complainant may bring a companion with them to the hearing for support if he/she wishes. He/she should advise the Director of SEN of the name of this supportive companion prior to the hearing. The supportive companion is not there as a witness, so does not address the panel except with the prior agreement of the chair.
7. The appeal hearing will take place within 30 days of receipt of the request for the Stage 3 appeal.
8. The panel can make the following decisions:
  - 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.



9. The complainant will be informed in writing of the outcome of the appeal and be provided with a copy of the findings and recommendations, within 10 days of the hearing.

10. A copy of the findings and recommendations will also be provided to any person complained about, where relevant, and will be available for inspection on the School premises by the proprietor and the Head of School.

This is the final stage at which the School will consider the complaint. The Complaints Appeal Panel's decision is final.

### **Recording and Retention of Complaints**

The School will keep a written record of complaints made under the formal stages of the Complaints Procedure and the following information:

- whether the complaint was resolved following the formal procedure or proceed to a panel hearing
- actions taken by the School as a result of the complaint (regardless of whether the complaint was upheld).

All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under s109 of the Education and Skills Act 2008, requests access to them.

The complaint investigator/Chair of the Complaint Appeal Panel should ensure that a copy of all relevant information relating to the complaint is kept at the School in a secure, confidential file, separate from staff and student records. This information will be retained for a reasonably justifiable period of time.

### **Unreasonable complaints and serial and persistent complaints**

LVS Oxford will deal with all complaints fairly and impartially and will not normally limit the contact that complainants have with the school. However, we will not tolerate unacceptable behaviour and will protect staff from behaviour which we deem to be abusive, offensive or threatening.

The School regards unreasonable complaints as follows:

- When the complainant refuses to detail the grounds of a complaint or the outcomes that they desire from raising the complaint, despite the schools best offers of assistance
- When the complainant seeks for their complaint to be resolved but refuses to engage with the complaints investigation process as set out in this policy
- When the complainant does not accept that some issues cannot be dealt with within the remit of this policy
- When the complainant specifies that they want the complaint dealt with in a specific way which is incompatible with the process outlined in this policy or with best practice
- When the complainant introduces information which they expect to be considered and commented on, or raises a significant number of detailed but unimportant questions, insisting on a full response, often immediately and to timescales defined by the complainant
- When the complainant seeks to have staff replaced who are dealing with the issues raised by making unjustified complaints about them
- When the complainant changes the nature of the complaint as the investigation proceeds
- When the complainant continues to raise the same complaint despite the matter being deemed to be concluded
- When the complainant will not accept the outcome of the investigation into the complaint despite the procedure in this policy being followed





- When the outcome sought by the complainant is unrealistic
- When the complainant submits frequent, complicated, lengthy and stressful contact with staff regarding the complaint by telephone, in writing or in person whilst the complaints procedure in this policy is being followed.

Complaints may also be considered unreasonable if the complainant's communications (by phone, in writing or in person) are:

- Aggressive
- Malicious
- Contain threats, are intimidating or are violent
- Use language that is abusive, offensive or discriminatory
- Knowingly false
- Published on social media and in newspapers containing unacceptable information

Complainants should restrict the number of communications with the school whilst the complaints procedure is being followed as repeated correspondence, whether by phone, email or in person, is unhelpful and may hinder the outcome of the investigation.

The Head of School will hold an initial informal discussion with the complainant before they apply an 'unreasonable' judgement. Should the behaviour continue, the Head of School will inform the complainant in writing to explain that the behaviour is unreasonable and asking that they change it.

The School may impose a limit on the number and type of contacts that a complainant can have with the school where it is deemed that communications are excessive. Where this occurs, it will usually be reviewed after 6 months.

If there should be a serious incident of aggression or violence, this will be documented and the police will be immediately informed.

If parents are dissatisfied with the complaints procedure and feel that intervention at a higher level is appropriate, they may lodge a complaint as follows:

[www.isi.net](http://www.isi.net) – ISI, CAP House, 9-12 Long Lane, London, EC1A 9HA, or to [concerns@isi.net](mailto:concerns@isi.net)