



Lakelands
Academy

Complaints Policy

Next Review Summer 2023

Last Review: 08.07.2021
Next Review 2 Yrs
Policy Responsibility: HT
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Introduction

Lakelands Academy aims to ensure that the school works in a productive and positive partnership with all parents and carers. This Complaints Procedure sets out to ensure that:

- the academy listens and acts on complaints
- all complaints are investigated thoroughly, fairly and promptly
- wherever possible, the academy finds a resolution

This procedure is not intended to replace the normal discussions regarding problems and concerns which take place on a day-to-day basis. It is only where the complainant remains dissatisfied with the outcome of such discussions that further steps may need to be taken.

This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school.

The academy will be mindful of the specific needs of students either involved in, or affected by, complaints, and will ensure that it safeguards and promotes the rights and welfare of the child concerned. The best interests of the child will be paramount at all times.

Who can make a complaint?

Only parents, carers or adults with legal Parental Responsibility for a child currently on roll at Lakelands Academy can make a complaint about the academy's educational provision.

However, this complaints procedure is not limited to parents or carers of children that are registered at Lakelands. Any person, including members of the public, may make a complaint to Lakelands Academy about any facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures, we will use the same complaints procedure.

Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by Lakelands Academy, other than complaints that are dealt with under other statutory procedures, including those listed below.

| Exceptions | Who to contact |
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| <ul style="list-style-type: none"> • Admissions to school • Statutory assessments of Special Educational Needs | <p>Concerns about admissions or statutory assessments of Special Educational Needs, should be raised with Shropshire Council</p> |
| <ul style="list-style-type: none"> • Matters likely to require a Child Protection Investigation | <p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding (lado@shropshire.gov.uk) or the Initial Contact Team (0345 678 9021).</p> |
| <ul style="list-style-type: none"> • Exclusion of children from school* | <p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i></p> |
| <ul style="list-style-type: none"> • Whistleblowing | <p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p> |
| <ul style="list-style-type: none"> • Staff grievances | <p>Complaints from staff will be dealt with under the academy's internal grievance procedures.</p> |
| <ul style="list-style-type: none"> • Staff conduct | <p>Complaints about staff will be dealt with under the academy's internal disciplinary procedures, if</p> |

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| | 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. |
| <ul style="list-style-type: none"> Complaints about services provided by other providers who may use school premises or facilities | Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct. |
| <ul style="list-style-type: none"> National Curriculum - content | Please contact the Department for Education at: www.education.gov.uk/contactus |

Arrangements for handling complaints from parents of children with special educational needs (SEN) about the school's support are within the scope of this policy. Such complaints should first be made to the (SENCO)/headteacher; they will then be referred to this complaints policy. Our SEN policy and information report includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

The difference between a concern and a complaint

A **concern** may be defined as '*an expression of worry or doubt over an issue considered to be important, for which reassurances are sought*'.

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

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally (**Stage One**), without the need to use the formal stages of the complaints procedure. Lakelands Academy takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

How to raise a concern or make a complaint

We anticipate that most concerns or informal complaints can be dealt with in person or by telephone. Formal complaints should be made in writing preferably using the Complaints Form at the end of this policy. Please mark any correspondence Private and Confidential. If you would find it difficult to raise or escalate a complaint in writing, please contact the school office or clerk to the governors as appropriate.

They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so. Please note that we will not be able to disclose any information to a third party without written consent from the complainant.

Brief notes of any meetings or telephone calls may be taken, these will added to the complaint record.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 4 of the procedure.

A complainant will receive a more effective response to their complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- adhere to the timescales set out in the complaints policy
- clarify the details of the complaint, and restrict all communication to consideration of the initial complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance where needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint; for example, on social media and respect confidentiality.

Anonymous complaints

We will not normally investigate anonymous complaints. However, the headteacher or chair of governors, if appropriate, will determine whether the complaint warrants an investigation.

Time scales

You must raise the complaint within three months of the incident or, where a series of linked incidents has occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame only if exceptional circumstances apply and the complaint can still be investigated in a fair manner for all involved.

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against Lakelands Academy in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

Resolving complaints

At each stage in the procedure, Lakelands Academy wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review academy policies in light of the complaint
- an apology

Stage 1 – Informal - Raising a concern or Complaint

Concerns and informal complaints should be raised with either a staff member or the Headteacher. As this is an informal stage we would encourage you to raise your concern /complaint in person or by telephone. If you contact us in writing please mark it Private and Confidential.

The staff member will try to resolve problems informally wherever possible; this informal response may be verbal or in writing. An effective response and appropriate redress will be provided to all complaints as quickly as possible, depending upon the complexity of the issues raised.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, please contact the headteacher who will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

Within 15 school days, the complainant and the relevant member of staff should discuss the issue in a respectful and informal manner to seek a mutual resolution.

At this stage, the complainant will be asked what they think might resolve the issue.

If an appropriate resolution cannot be sought at this informal level, or if the complainant is dissatisfied with the outcome following the initial discussions, the complainant may wish to proceed to the next level of the procedure.

Stage 2 – Formal Complaint

Formal complaints must be made to the headteacher (unless they are specifically about the Headteacher or a governor), via the school administration office. As this is a formal stage we would encourage you to complete the Complaints Form included at the end of this policy (also on the website separately). Please mark any correspondence Private and Confidential. If you would find it difficult to escalate your complaint in writing, please contact the school administration office for assistance.

If there are any relevant documents you want to be considered please submit them at the same time as your complaint. You do not need to submit any documents already held by the academy but can just ask for them to be considered. The headteacher will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded

The headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Within this response, the headteacher will, if necessary, seek to clarify the nature of the complaint, ask what remains unresolved from the initial concern expressed in Stage 1, and ask what outcome the complainant would like to see. The headteacher can consider whether a face to face meeting is the most appropriate way of doing this.

The headteacher may delegate the investigation of the complaint to another member of the academy's senior leadership team but not the decision to be taken.

During the investigation, the headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained about, allowing them to be accompanied if they wish.
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of the investigation, the headteacher will provide a formal written response within 15 school days of the date of receipt of the complaint.

If the headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Lakelands Academy will take to resolve the complaint.

The headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

Stage 3

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3. Complaints at Stage 3 will be considered by the chair or vice chair of governors.

A request to escalate to Stage 3 must be made in writing to the clerk to the board of governors via the school administration office marked Private and Confidential, within 15 school days of receipt of the Stage 2 response. Requests received outside of this time frame will only be considered if exceptional circumstances apply. If you would find it difficult to escalate your complaint in writing, please contact the school administration office for assistance.

Before a complaint is considered under Stage 3 the complainant will be asked to give specific reasons explaining how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

The chair of governors will not consider any new complaints at this stage or permit evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The chair of governors will have access to all correspondence and documents considered previously.

The clerk to the board of governors will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

The chair of governors may delegate the investigation of the complaint to a member of the academy's senior leadership team but not the decision to be taken.

At the conclusion of the investigation, the chair of governors will provide a formal written response within 15 school days of the date of receipt of the complaint.

If the chair of governors is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Lakelands Academy will take to resolve the complaint.

The chair of governors will advise the complainant of how to escalate their complaint to Stage 4 should they remain dissatisfied with the outcome of Stage 3.

Stage Four (Governors committee)

The Governors Complaints Committee is the final academy stage of the complaints procedure.

A request to escalate to Stage 4 must be made in writing to the clerk to the board of governors, via the school administration office, within 15 school days of receipt of the Stage 3 response (or Stage 2 response where the complaint is specifically about the Headteacher). Please mark any correspondence Private and Confidential.

Requests received outside of this time frame will only be considered if exceptional circumstances apply. If you would find it difficult to escalate your complaint in writing, please contact the clerk to the board of governors for assistance.

Before a complaint is considered under Stage 4 the complainant will be asked to give specific reasons explaining how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint

The committee will not review any new complaints at this stage or permit evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The committee will have access to all correspondence and documents considered previously.

The clerk to the board of governors will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

The clerk to the board of governors will aim to convene a meeting within 15 school days of receipt of the Stage 4 request. If this is not possible, the clerk to the board of governors will provide an anticipated date and keep the complainant informed.

The complaints committee panel will consist of 3 members, with no prior involvement or knowledge of the complaint. Two of the members will be Lakelands Academy Governors, the third member will be a person independent of the leadership and management of the academy. The third member of the panel will be sourced by the Clerk.

If the complainant chooses to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting.

Witnesses will not normally be called as documentary evidence presented at the meeting will give sufficient detail of information provided by other parties which is relevant to the proceedings.

If a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Representatives from the media are not permitted to attend.

At least 10 school days before the meeting, the Clerk will:

- Notify the complainant of the date, time and venue of the meeting, ensuring that, the dates are convenient to all parties and that the venue and proceedings are accessible.
- Ask the complaint to confirm which (if any) of the documents considered at previous stages they want the committee to consider. The committee will have access to all correspondence and documents considered previously.
- Ask the complaint to confirm the names of anyone who will be attending the meeting with them and their role (e.g. partner/support).
- Advise the complainant that if they do not wish to attend in person the matter will be dealt with on the basis of written representations only.
- Ask the complainant to confirm if any reasonable adjustments are needed, to enable them to participate in the meeting.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

If the complainant rejects the offer of three proposed dates, without good reason, the clerk to the board of governors will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

If the complainant fails to attend an agreed meeting without contacting the clerk prior to the start of the meeting. The committee may choose to proceed in their absence.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it (in these cases the Academy will also make a recording of the meeting). Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part.
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the academy's systems or procedures to prevent similar issues in the future.

A copy of the findings and recommendations will be:-

- provided to the complainant, and where relevant, the person complained about within five school days
- available for inspection on the school premises by the proprietor and the head teacher

The letter to the complainant will include details of how to contact the ESFA if they are dissatisfied with the way their complaint has been handled by the academy.

Referring complaints on completion of the academy's procedure

If the complainant is unsatisfied with the outcome of the academy's complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by the academy. The ESFA will not overturn the academy's decision about a complaint. However, it will look into:

- Whether there was undue delay, or the academy did not comply with its own complaints procedure
- Whether the academy was in breach of its funding agreement with the secretary of state
- Whether the academy has failed to comply with any other legal obligation

If the academy did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the academy's complaints procedure is found to not meet regulations, the academy will be asked to correct its procedure accordingly.

Complaints about the Headteacher or a member of the Governing Body

Wherever possible we would encourage concerns or complaints to be raised informally in accordance with this policy.

Formal complaints made against the headteacher or any member of the governing board should be directed to the clerk to the governing board in the first instance.

Where a complaint makes reference to the Headteacher or a governor, but the substance of the complaint is not about them, the chair of governors will advise the complainant that their complaint will be dealt with under the relevant stage of the main complaints procedure.

If the complaint is about the headteacher the chair of governors (or vice chair in their absence) will carry out all of the steps at Stage 2.

If the complaint is about or one member of the governing board (including the chair or vice-chair), a suitably-skilled and impartial governor will carry out the steps at stage 2.

If the complainant wishes to escalate their complaint at the end of Stage 2 it will be considered under Stage 4.

If the complaint is jointly about the chair and vice-chair, the entire governing board or the majority of the governing board, an independent investigator will carry out the steps in stage 2. They will be appointed by the governing board, and will write a formal response at the end of their investigation.

If the complainant wishes to escalate their complaint at the end of Stage 2 it will be considered under Stage 4 by a committee of independent governors sourced from local schools.

Withdrawal of a Complaint

If a complainant chooses to withdraw their complaint, we will ask them to confirm this in writing.

Duplicate complaints

There may be some cases where at the end of the complaints procedure, the academy receives a duplicate complaint from a complainant's spouse/ partner, another adult with parental responsibility for the student or another family member.

Where the complaint is about the same subject, the new complainant will be informed that the school has already considered that complaint and that the academy complaints process has been completed. The new complainant will be advised to contact the ESFA if they are dissatisfied with the academy's handling of the original complaint.

The academy will take care not to overlook any new aspects to the complaint that may not have been previously considered. Any new elements of a complaint will be investigated and dealt with in line with the full complaints procedure.

Serial and persistent complaints

The academy will act in a manner they believe to be appropriate when dealing with an individual who:-

- consistently makes the same complaints, continuously asks the academy to reconsider their position.
- refuses to engage in constructive dialogue (in person or in writing).
- Makes complaints which are obsessive, persistent, harassing, prolific, repetitious.
- insists upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
- insists upon vexatious complaints in an unreasonable manner.
- makes complaints which are designed to cause disruption, inconvenience or annoyance.
- makes demands for redress that lack any serious purpose or value.

If a complainant attempts to re-open an issue which has previously fully completed the complaints procedure, the Chair of the Governing Board will inform the complainant that the matter is now closed. If the complainant contacts the academy regarding the same issue again, the complaint may be classed as 'serial' or 'persistent' complainant) and the academy will not have an obligation to respond.

The academy will not take the decision to stop responding to an individual lightly. The academy will ensure that:

- They have previously taken every reasonable step to address the issues raised by the complainant.
- They have provided the complainant with a statement of their position.

If the complainant is being abusive, threatening or defamatory, the academy retains the right to not respond to the complainant. Where the school decides to no longer respond to a complainant, the individual will be informed of this decision in writing.

Complaints campaigns

For the purposes of this policy, "complaints campaigns" are where the academy receives large volumes of complaints that are all based around the same subject. Where the academy becomes the subject of a complaints campaign from complainants who are not connected with the academy, a standard, single response may be published on the school's website.

If the academy receives a large number of complaints about the same subject from complainants who are connected to the school (parents/carers/adults with parental responsibility) each complainant will receive an individual response.

Learning lessons

The governing board will review any underlying issues raised by complaints with the headteacher, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

Monitoring arrangements

A written record will be kept of all complaints that are made and whether they were resolved at Stage 1, 2 or 3 or proceeded to a panel hearing at stage 4.

A record will be kept of any action taken by the school as a result of those complaints (regardless of whether they are upheld).

The 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 section 109 of the 2008 Act requests access to them.

This policy will be reviewed by every 2 years.

Appendix 1 Complaint Form

Please complete and return to Lakelands Academy

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| Your Name: |
| Student's name (if relevant): |
| Your relationship to the student (if relevant): |
| Address Postcode: Telephone number: Email address: How would you prefer us to contact you: Letter/Email (please select one) |
| Please give details of your complaint, including any action you have already taken to try and resolve your complaint (Who did you speak to, and what was the response?) If relevant please include details such as relevant dates, times, and the names of witnesses of events |

What actions do you feel might resolve the problem at this stage?:

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

Signature

Date

Official Use

Date Acknowledgement sent:

By Whom:

Complaint Referred to:

Date: