

The Policy and Procedures for the Handling of Complaints at The Loyne Specialist School

1. Introduction and Scope

We care about what you think

The policy of the Loyne Specialist School is to work in partnership with parents/carers and the wider community. It is based on the belief that co-operation and a sense of joint purpose between staff, parents/carers, the community and the school will assist in ensuring open and positive relationships. We try hard to do our best for all our pupils/students. Your views help us plan for the future and we like to know when things are going well. We also want parents/carers to tell us about their worries, concerns or complaints as soon as possible. It is much easier for the school to sort out a recent problem than something that happened some time ago.

If you are unhappy with the way you perceive your pupil/a pupil is being treated, or any of our actions or lack of action, please feel able to tell us your concerns. We know it can be difficult to question what a school is doing, but if you do not tell us what is worrying you, we cannot explain our actions or put things right. Our support and respect for you and your child will not lessen in any way.

Our commitment to you

- We will deal with your concern or complaint in a professional manner.
- It will be looked into thoroughly, fairly and as quickly as possible.
- We will keep you up-to-date with what we are doing.
- We will apologise if the school has made a mistake.
- We will tell you what we are going to do to put things right.

Please refer to Appendix A for a brief overview of our Complaints Process.

What to do first

To raise a concern about anything we do we can be contacted via telephone, in person, in writing via note/letter or via our Complaint Form (see Appendix B), via your child's home/school diary or through our website contact page. Our website address is www.loyneschool.org. If you wish to meet with a member of staff, please contact the school office who will liaise with the person you wish to meet to arrange a mutually convenient date and time. Alternatively office staff will arrange for them to call you back. If any of these are difficult for you, a friend or advocate can speak to the school on your behalf. You (the complainant) must make us aware of who is representing you if you wish a friend or advocate to act on your behalf. We can not deal with a friend or advocate until we have been made aware of their nomination by the complainant. You must also inform us of their name, designation and provide their contact details. Most concerns or complaints will be sorted out quickly either by putting things right or by explaining the school's actions to you.

Please remember that the beginning or end of the school day can be a very busy time. If you wish to speak to a member of the class team at these times, for practical reasons, it

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may not be possible to sort things out there and then. Be prepared for them to make an appointment to see you/to ring you at a more convenient time. This is because we want to give your worries the attention they deserve. Sometimes the staff member will send you a brief note after the phone call or meeting with details of what we are doing about your concern.

Concerns/Complaints must not be raised directly or indirectly via social media. If a complainant wishes to raise a concern/complaint about the school or a member of staff/Governor please take this up directly with the school. Whilst the school accepts that complainants have a right to an opinion complainants are reminded that they are not entitled to use social media to defame or harass individual staff or governors or bring the name of the school into disrepute by airing concerns on social media forums

The Loyne Specialist School will always give serious consideration to concerns and complaints that are brought to its attention. In considering concerns or complaints, the Loyne Specialist School will ensure that they are dealt with effectively and with fairness to all parties. Where possible complaints will be resolved informally. Where a complaint has not been resolved informally, then the formal procedures set out below will be followed.

Where your concern or complaint is considered sufficiently complex or serious, the school may choose to investigate formally from the outset.

Information for complainants

The complaints procedures are detailed within this document which can also be found on the school website at www.loyneschool.org.uk. A hard copy of the Complaints Policy and Procedure can be requested from the School Office.

2. What is a concern or a complaint?

A concern or complaint is defined as an expression of dissatisfaction about the conduct/operation of the school, the conduct of, actions or lack of actions by a member of staff/the Governing Body/an individual governor, unacceptable delay in dealing with a matter or the unreasonable treatment of a pupil or other person.

NB. Concerns or complaints relating to any of the following are not covered by these procedures, as separate procedures apply.

These procedures do not cover:	
Child Protection and Safeguarding	School re-organisation proposals
Collective Worship	Services provided by other organisations on the school site or through the school. These organisations must have their own
Functions of the County Council	Sex Education
National Curriculum	Staff grievance
Pupil Exclusions	Special Educational Needs and Disabilities (SEND)
Reports under Freedom of Information or data protection*	Unauthorised absence fines

(*Where the concerns or complaints still exist following review.)

Note:

- i) Serious complaints or allegations relating to the abuse of children, assault, criminal or financial matters are also subject to separate procedures. The table above is not exhaustive, and separate procedures may exist for other categories.
- ii) For complaints regarding governors, the school will follow this Policy to resolve the issue.

3. Anonymous Complaints

The School will always give serious consideration to concerns and complaints that are brought to its attention. However, anonymous complaints will not normally be considered.

4. Unreasonable complaints

The Loyne Specialist 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 Loyne Specialist 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);

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- 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/or 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 Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

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

There is a right to raise a complaint against a school and an expectation that the individual will exhaust the School's procedures. If the individual contacts the school again with the same issue, this could be seen as unreasonable and the school may choose not to respond.

5. Serious allegations or complaints

If the allegations refer to criminal activity which may require the involvement of the Police, the Headteacher should inform the Chair of Governors and seek the advice of the County Council.

If the allegations relate to financial or accounting irregularities involving misuse of public funds or assets or any circumstances which may suggest irregularities affecting cash,

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stores, property, remuneration or allowances, the Headteacher should inform the Chair of Governors and seek the advice of the Schools HR Consultancy Team so that the complaint can be investigated under the procedures normally applied for suspected financial irregularities. The Scheme for Financing Schools requires Schools HR Consultancy Team to be notified immediately of all such irregularities.

If the allegations relate to the abuse of children, the Headteacher should seek the advice of the Schools HR Consultancy Team or other agencies such as Children's Social Care. Serious allegations of this nature **must** be referred under Child Protection Procedures to Children's Social Care. Reference should also be made to the separate procedure "Staff Facing Allegations of Physical/Sexual Abuse".

In all the above, consideration needs to be given to the possible suspension* from duty, on full pay, of any member of staff concerned in accordance with the School's Disciplinary and Dismissal Procedure. Investigations at school level and the stages set out in this procedure are unlikely to proceed where external agencies are involved. Subsequently, an internal school investigation and other procedures (e.g. Disciplinary) may be involved.

6. Complaints about members of staff

These will usually be dealt with under the School's Complaints Procedures, except where allegations relate to criminal activity, financial or accounting irregularities, or allegations relating to the abuse of children. Headteachers/Chairs of Governors should seek advice from a representative of the Schools' HR Team. If the complaint is about a member of staff she/he will be:

- Informed in detail of the complaint.
- Provided with a copy of any written complaint and the School's Complaint Policy and Procedures.
- Invited to respond and make a statement.
- Reminded they may seek advice from their professional association/ union or other adviser before responding.
- Given a copy of the Complaints Policy and Procedures.
- Advised of any response/explanation to be made to the complainant.
- Advised of whether the complainant accepts the response.
- Offered appropriate counselling or guidance.
- Informed when the complaint is resolved, of any subsequent actions intended, including any action under the disciplinary and competence procedures.

7. Vexatious complaints

The school will resist abuse of the complaints procedure and may reserve the right not to investigate complaints considered to be vexatious or malicious or where the Headteacher or Chair of Governors is satisfied with the action that the school has already taken or proposes to take to resolve the complaint.

8. Serial and persistent complainants

Whilst we always strive to do our best to be helpful to people who contact us with a concern or complaint, in cases where we are contacted repeatedly by an individual making the same points, or asking us to reconsider our position regarding a concern or complaint

* **Note:** Suspension is a neutral act and is not a disciplinary sanction

we will need to act appropriately.

There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. If we feel we really have done everything we can in response to a complaint and a complainant tries to re-open the same issue, the Chair of Governors can inform them that the procedure has been completed and that the matter is now closed. It is a poor use of schools' time and resources to reply to repeated letters, emails or telephone calls making substantially the same points.

If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond.

Is it time to stop responding?

The decision to stop responding will never be taken lightly. We need to be able to say yes to all of the following before we choose not to respond further:

- The school has taken every reasonable step to address the complainant's needs;
- The complainant has been given a clear statement of the school's position and their options (if any); and
- They are contacting the school repeatedly but making substantially the same points each time.

The case is stronger if the school agrees with one or more of these statements:

- The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience - have they actually said as much in a letter, email or telephone call?
- Their letters/emails/telephone calls are often or always abusive or aggressive.

9. Barring from the School Premises

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

If a parent's/carers or a member of the public's behaviour is a cause for concern, we are within our rights to ask them to leave the school premises. In serious cases, the Headteacher or the Local Authority (via Legal Services) 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/carer/member of the public may wish to make. The Loyne Specialist School will always give the parent/carer/member of the public the opportunity to formally express their views on the decision to bar in writing.

10. Making a complaint

The school expects that the majority of complaints to be made within **three months** of the incident being complained of. The school will consider complaints beyond this time frame in exceptional circumstances only.

Dependent on the type of complaint, the following table is a guide to whom it should be referred to:

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Type of complaint:	Contact
Something that has happened, or failed to happen, in class.	Class teacher
The actions of the class Teacher.	Headteacher via the school.
The actions of the Headteacher.	Chair of Governors via the school.
The actions of a Governor.	Chair of Governors via the school.
The actions of the Chair of Governors.	Vice Chair via the School.
The actions of the Governing Body	Clerk to the Governing Body via the School.

The School /Governing Body would in most cases hope to resolve concerns and complaints at an informal stage, but the procedures allow for formal consideration of a complaint and a review stage if matters cannot be resolved.

The School is committed to dealing with complaints as speedily as possible and would plan to complete each stage within **20 school days**. From time to time, it may not be possible to complete the process in that timescale. Where it is not possible, the complainant will be informed of any delays.

Where complaints are made against an individual member of the school staff or governor, the individual will be informed of the complaint at the earliest opportunity and certainly before any investigation commences.

11. The complaint procedures

(i) Informal stage

The school will seek to resolve concerns and complaints informally with the member of staff or Governor concerned and encourage the complainant to discuss with them the matters causing them concern. However, if that does not resolve the problem then the matter should formally be brought to the attention of the Headteacher (complaints and concerns about Governors should be made to the Chair of Governors).

- acknowledge the complaint;
- make enquiries to establish the facts;
- seek advice as appropriate;
- attempt to resolve the matter informally;
- establish whether or not the complainant is satisfied;
- advise complainants of the next stages if they wish to proceed to a formal consideration of the complaint;
- make a brief note of the complaint and the outcome.

This stage would normally be expected to be completed in **20 school days**. A complainant wishing to proceed to the formal stage of the procedure should normally notify the Headteacher/Chair of Governors **within 20 school days** of being notified of the outcome of the informal stage.

The informal stage will not be used if the allegations made refer to:

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- criminal activity which may require the involvement of the police
- financial or accounting irregularities
- abuse of children.

If the school has not heard from you by 20 school days, it will assume that you do not want to take things any further and the complaint will be closed.

For concerns regarding the Headteacher, the complainant should put the complaint in a sealed envelope marked 'private and confidential' and addressed to the Chair of Governors via the School. Under the Data Protection Regulations, the school is not permitted to provide the personal details of the Chair of Governors, but the School will forward the envelope to the Chair as soon as possible.

(ii) Formal stage

This stage will commence when the:

- Informal complaint has not been resolved to the satisfaction of the complainant.
Or
- Complainant has indicated they wish to go straight to the formal stage.
Or
- School feels that the complaint is inappropriate for an informal resolution.

The Headteacher will:

- Following receipt of the written complaint, formally acknowledge receipt of the complaint and ensure the complainant receives an up to date copy of the School's Complaint Policy and Procedures. It should be clarified what the complainant feels would put things right if it not clear in the correspondence.
(**Note:** It is acceptable for someone else to write the complaint on behalf of the complainant)
- Seek advice, as appropriate. (Dependent on the nature of the complaint, this could include: the School's Adviser; Clerk to the Governing Body; Legal Services; Schools' HR Team; Finance Officer or Pupil Access Officer.)
- Inform the member of staff (or governor) if the complaint concerns them and provide them with a copy of the complaint and School's Policy and Procedures.
- Arrange and complete a full investigation of the complaint.
- Prepare a report following the investigation; consider what actions need to be taken and whether it be substantiated or unsubstantiated.
- Advise the complainant, in writing, of the outcome of the investigation **within 20 school days**. They should also be informed of their right to appeal to the Complaints Appeals Committee within the response.
- make a record of the complaint and its outcome, this should be retained for school records.

The Governing Body should be informed in general terms of all formal complaints.

Note: If the complaint is regarding the Headteacher or a governor, this will be investigated the Chair of Governors, or nominated governor if the Chair has

previously been involved.

Should the complaint remain unresolved

If the Headteacher/Chair has undertaken the investigation, the complainant can request a review to the Complaints Review Committee. The request **must** be received within **20 school days** of the notification and set out the grounds as to which matters remain unresolved.

Note: If the Clerk to the Review Committee does not hear from the complainant within **20 school days** of the notification of the outcome of the investigation, the complaint will be closed.

The Headteacher/Chair of Governors should make a record in the Complaints Register of the complaint and its outcome. This record may need to be updated by the Chair of the Review Committee in due course. The Complaints Register should be available for Ofsted Inspection purposes.

(iii) Governors Complaints Review Committee

In very exceptional circumstances where the complaint has not been resolved by the Headteacher/Chair of Governors, a meeting of the Complaints Review Committee will be arranged to review the complaint. The request **must** be made in writing to the Clerk of the Review Committee via the school. The request for the review **must** clearly set out the grounds as to which matters remain unresolved.

The Clerk to the Review Committee will convene the Complaints Review Committee. It is not expected to take more than 20 days to convene but the Clerk to the Committee will update the complainant as appropriate.

The Committee will:

- Consider the written materials;
- Consider the complaint and the Headteacher's (or Chair of Governor's) action.
- With the Clerk, prepare an Agenda and invite the Headteacher and/or Chair of Governors, (as appropriate) and the complainant to the meeting.
Note: It is the responsibility of the Headteacher/Chair of Governors and complainant to secure their own witnesses and neither party can dictate who the other party brings.
- Seek advice and support as necessary.

At the end of their review, the Complaints Review Committee will:

- Determine whether to dismiss or uphold the appeal in whole or part.
- Where upheld, decide on recommendations that should be reported to the Governing Body by the Chair of the Review Committee.
- Advise the Headteacher/Chair of Governors (as appropriate) and complainant of their findings.
- Advise the complainant of any further action they may wish to take if they remain dissatisfied.

Following the review, the Chair of the Committee will arrange for the School's Complaints Register to be amended to include a brief summary of the complaint and the findings of the Complaints Review Committee. In addition, the Chair of the Committee will ensure that the matter in general terms and any recommendations be reported to the Governing Body.

This stage would normally be expected to take **no more than 20 school days**.

This concludes the School's Complaints Procedure.

12. Withdrawal of a Complaint

If the complainant wishes to withdraw their complaint at any time, they will be asked to confirm this in writing.

13. The Role of the Local Authority

The role of the Local Authority (LA) is prescribed by legislation. In responding to complaints about schools, the LA will explain to the complainant:

- That schools are self-managing and are responsible for administering procedures that deal with complaints made against them.
- The appropriate procedures for their complaint and refer them to the Headteacher, Chair of Governors or Clerk, as appropriate.
- The school may seek advice and support from the appropriate Local Authority Officer or the School's Adviser.

14. Calculation of Time

All references in this Policy to 'days' should be taken to mean school days and therefore will not include weekends, school holidays or INSET days.

15. Next Stage

Complainants who remain unsatisfied with the outcome may refer their complaint to the Secretary of State for Education.

National Helpline: **0370 000 2288**

On line: **www.education.gov.uk/help/contactus**

Or by writing to: Department for Education,
School Complaints Unit
2nd Floor
Piccadilly Gate
Stove Street,
Manchester,
M1 2WD

The role of the Secretary of State is to review that the School has followed their