



Launceston College

A Multi Academy Trust

School Complaints Policy

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Contents:

Statement of intent

1. Legal framework
2. Definitions
3. Roles and responsibilities
4. Making a complaint
5. Complaints procedure
6. Complaints not covered by this procedure
7. Managing unreasonable requests
8. Records of Complaints
9. Reviewing the procedure

Statement of intent

The Launceston College Multi Academy Trust (the Trust) and the schools within it aim to resolve all complaints at the earliest possible stage and are dedicated to continuing to provide the highest quality of education possible throughout the procedure.

This policy has been created to deal with any complaint against a member of staff or the school as a whole, relating to any aspects of the school or the provision of facilities or services.

Any person, including a member of the public, is able to make a complaint about the provision of facilities or services that the school provides. This policy outlines the procedures that the complainant and school must follow.

Once a complaint has been made, it can be resolved or withdrawn at any stage.

The Principal, via their PA/secretary will be the first point of contact when following the complaints procedure.

1. Legal framework

- 1.1. This policy has due regard to statutory legislation, including, but not limited to, the following:
 - Education Act 2002
 - Freedom of Information Act 2000
 - Immigration Act 2016
 - Equality Act 2010
 - General Data Protection Regulation (GDPR)
 - The Data Protection Act 2018
 - The Education (Independent School Standards) Regulations 2014
- 1.2. This policy also has due regard to guidance including, but not limited to, the following:
 - DfE (2019) 'Best practice guidance for school complaints procedures 2019'
 - ESFA (2015) 'Creating an academy complaints procedure'
 - HM Government (2016) 'Code of Practice on the English language requirement for public sector workers'
- 1.3. This policy will be implemented in accordance with the following school policies:
 - Child Protection and Safeguarding Policy
 - Grievance Policy
 - Exclusions Policy
 - Whistleblowing Policy

2. Definitions

- 2.1. For the purpose of this policy, a “**complaint**” can be defined as ‘an expression of dissatisfaction’ towards the actions taken or a perceived lack of action taken.
- 2.2. Complaints can be resolved formally, through this procedure, or informally dependent on the complainant’s choice.
- 2.3. A “**concern**” can be defined as ‘an expression of worry or doubt’ where reassurance is required.
- 2.4. Any complaint or concern will be taken seriously, whether formally or informally, and the appropriate procedures will be implemented.
- 2.5. For the purpose of this policy, concerns will be classed and addressed as complaints.

- 2.6. For the purpose of this policy, “**unreasonable complaints**” include:
- Vexatious complaints:
 - Are obsessive, persistent, harassing, prolific, repetitious.
 - Insist upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
 - Insist upon pursuing meritorious complaints in an unreasonable manner.
 - Are designed to cause disruption or annoyance.
 - Demand for redress which lacks any serious purpose or value.
 - Serial or persistent complaints:
 - Are duplicated, sent by the same complainant once the initial complaint has been closed.
- 2.7. Serial or persistent complaints will only be marked as ‘serial’ once the complainant has completed the complaints procedure. It is the complaint that will be marked as ‘serial’ meaning the complainant can complain about a separate issue if necessary.
- 2.8. For the purpose of this policy, “**duplicate complaints**” are identical complaints received from a complainant’s spouse, partner, grandparent or child. These complaints will not be addressed again, the individual making the second complaint will be informed that the complaint has been dealt with on a local level and if they are dissatisfied with the result, they can appeal to the DfE.
- 2.9. Any new details provided by a complainant’s spouse, partner, grandparent or child, will be investigated and dealt with in line with the complaints procedure.

3. Roles and responsibilities

- 3.1. The complainant will:
- Cooperate with the school in seeking a solution to the complaint.
 - Express the complaint and their concerns in full at the earliest possible opportunity along with an indication of what is required to resolve the complaint.
 - Promptly respond to any requests for information such as the full completion of a complaints form or meetings.
 - Ask for assistance as needed.
 - Treat any person(s) involved in the complaint with respect.
- 3.2. The complaints co-ordinator will:
- Ensure that all parties involved in the complaint are fully updated throughout each stage of the procedure.

- Keep up-to-date records throughout the procedure – these records will be kept securely on the school's ICT system and, where appropriate, encrypted.
- Liaise with all parties involved to ensure the complaints procedure runs smoothly, including the Principal, Governance clerk and chair of trustees.
- Be aware of issues with regard to the sharing of third-party information.
- Understand the complainant's need for additional support, including interpretation support, and will be aware of any issues concerning this.

3.3. The investigating officer can be involved in stages one, two and three of the procedure. Their role includes:

- Providing a sensitive and thorough interviewing process of the complainant to establish what they believe has happened and who is involved.
- Considering all records, evidence and relevant information provided.
- Interviewing all parties that are involved in the complaint, including staff and pupils.
- Analysing all information in a comprehensive and fair manner.
- Liaising with the complainant and complaints co-ordinator to clarify an appropriate resolution to the problem.
- Identifying and recommending solutions and courses of actions to take.
- Being mindful of timescales and ensuring all parties involved are aware of these timescales.
- Responding to the complainant in a clear and understandable manner.

3.4. The panel chair will:

- Ensure that minutes of the hearings are taken on every occasion.
- Explain the remit of the panel to the complainant.
- Ensure that all issues are addressed and that outcomes are reached based on facts and evidence.
- Help to put at ease and support individuals involved who are not used to speaking at such hearings, particularly any pupils involved.
- Conduct the hearing in an informal manner, ensuring that everyone is treated with respect and courtesy.
- Ensure that the room's layout and setting is informal and non-adversarial, yet still sets the appropriate tone.
- Confirm that no member of the panel has previously been involved in the earlier stages of the procedure or has an external interest in the outcome of the proceedings.

- Give both the complainant and the school the opportunity to state their case and seek clarity without undue interruption.
- Provide copies of any written material or evidence 7 days in advance to everyone in attendance of the meeting, ensuring that everyone has seen the necessary material.
- Organise a short adjournment of the hearing if required.
- Continuously liaise with the clerk and complaints co-ordinator to ensure the procedure runs smoothly.
- Help to provide the support necessary where the complainant is a child.

3.5. All panel members will be aware that:

- The review panel hearing is independent and impartial.
- No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel.
- The aim of the panel is to achieve a reasonable resolution and, ultimately, attain reconciliation between the parties involved.
- Reconciliation between the school and complainant is not always achievable, and that it may only be possible to establish facts and make recommendations to reassure the complainant that their case has been taken seriously.
- The panel can:
 - Dismiss or uphold the complaint, in whole or in part.
 - Decide on appropriate action to be taken.
 - Recommend changes that the school can make to prevent reoccurrence of the problem.
- Complainants may feel nervous or inhibited in a formal setting and, therefore, the proceedings should be as welcoming as possible.

3.6. The panel clerk will:

- Continuously liaise with the complaints co-ordinator.
- Record the proceedings.
- Set the date, time and venue of all hearings, ensuring that this is appropriate, convenient and accessible to all parties involved.
- Collate all written material or evidence involved and send it to the parties involved in timely advance of the hearing.
- Ensure that the minutes of the panel hearing are circulated.
- Notify the relevant parties of the panel's decision and any other actions to be taken.

4. Making a complaint

- 4.1. Complaints are not restricted to parents of attending pupils. The school will consider all complaints.
- 4.2. The school will ensure the complaints procedure is:
 - Easily accessible and published on the school's website.
 - Simple to understand and to put into practice.
 - Impartial and fair to all parties involved.
 - Respectful of confidentiality duties.
 - Continuously under improvement, using information gathered during the procedure to inform the improvement process.
 - Used to address all issues to provide appropriate and effective responses where necessary.
- 4.3. Complaints are expected to be made as soon as possible after an incident arises to amend the issue in an appropriate timescale.
- 4.4. The Trust upholds a three-month time limit in which a complaint can be lodged regarding an incident.
- 4.5. Complaints made outside this time limit will not be automatically refused and exceptions will be considered.
- 4.6. In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner.
- 4.7. All complaints shall be considered, whether they are made in person, by telephone, in writing, electronically via email, or via a third party (such as the Citizen's Advice Bureau).
- 4.8. A complaint can progress to the next stage of the procedure even if it is not viewed as "justified". All complainants are given the opportunity to fully complete the complaints procedure.
- 4.9. Any complaint made against a member of staff will be initially dealt with by the Principal.
- 4.10. Any complaint made against the Principal will be initially dealt with by the CEO of the Trust (stage three) and then by a committee of trustees (stage four).
- 4.11. Any complaint made against the chair of trustees or any other member of the Trust board should be made in writing to the clerk to the Trust board.
- 4.12. Any complaint made against the entire Trust board, or complaints involving the chair and the vice chair, should be made in writing to the clerk. The clerk will then determine the most appropriate course of action, depending on the nature of the complaint. This action may involve sourcing an independent investigator to initially

deal with the complaint and then getting the complaint to be heard by co-opted trustees from another trust.

- 4.13. Under some circumstances, such as serious problems with availability of panel members, it may be necessary to deviate from the complaints procedure. Any deviation will be documented.
- 4.14. Information about a complaint will not be disclosed to a third party without written consent from the complainant.

5. Complaints procedure

Stage one – A complaint may be made in person, by telephone or in writing.

- 5.1. The member of staff to whom the complaint has been made can discuss the concern with the Principal or the stage one complaints co-ordinator (as designated by the Principal) to seek support.
- 5.2. To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept and a copy of any written response is added to the record. These notes are kept securely on the school's ICT system and, where appropriate, encrypted.
- 5.3. If the concern is about the Principal, the Trust CEO's PA should be informed and will need to handle the complaint. The complainant can then be referred to the Chief Executive Officer who will handle complaint at stage 3 of the complaints policy.
- 5.4. If a complaint is made initially to a trustee, the complainant should be referred to the appropriate person. Trustees should not act alone on a complaint outside the complaints procedure.
- 5.5. 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.
- 5.6. At this stage, the complainant will be asked what they think might resolve the issue – any acknowledgement that the school could have handled the situation better is not an admission of unlawful or negligent action.
- 5.7. If an appropriate resolution cannot be sought at stage one, or if the complainant is dissatisfied with the outcome following stage one, the complainant may wish to proceed to the next level of the procedure.

Stage two – Formal complaint made to the Principal (The complaint must be put in writing).

- 5.8. Stage two of the process will be completed within 15 school days. Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the Principal will contact the complainant to inform them of the revised target date via a written notification.

- 5.9. An appointment with the Principal should be made, as soon as reasonably practical, to avoid any possible worsening of the situation.
- 5.10. If the complaint is against the Principal, the complainant will initially need to write, in confidence, to the CEO. The CEO will seek to resolve the issue informally before moving directly to stage three of the procedure.
- 5.11. Where the Principal or CEO has made reasonable attempts to accommodate the complainant with dates for a complaint meeting and they refuse or are unable to attend, the meeting will be convened in their absence and a conclusion will be reached in the interests of drawing the complaint to a close.
- 5.12. Where there are communication difficulties, the complaint may be made in person or via telephone.
- 5.13. To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept, and a copy of any written response is added to the record. These notes are kept securely on the school's ICT system and, where appropriate, encrypted.
- 5.14. In terms of a complaint being made against a member of staff, the Principal will discuss the issue with the staff member in question and will then follow the Procedures.
- 5.15. All discussions shall be recorded by the Principal and findings and resolutions will be communicated to the complainant either verbally or in writing.
- 5.16. Once all facts are established, the Principal shall contact the complainant in writing with an explanation of the decision. The complainant will be advised of any escalation options (for example, escalation to stage three) and will be provided with details of this process.
- 5.17. The complainant will also be provided with copies of minutes, subject to any necessary redactions under the Data Protection Act 2018 and the GDPR.
- 5.18. Any further action the school plans to take to resolve the issue will be explained to the complainant in writing.
- 5.19. If the complainant is not satisfied with the outcome suggested, the procedure will progress to stage three.

Stage three – Investigation by the Chief Executive Officer

- 5.20. The complainant should submit any complaint in respect of the Principal's investigation in writing (or via an alternative method if necessary) to the Chief Executive Officer (CEO).
- 5.21. An appointment with the CEO should be made as soon as reasonably practical, to avoid any possible worsening of the situation.
- 5.22. The CEO will consider all the available evidence and decide whether further investigation is required.

- 5.23. If required, the CEO will carry out an investigation or may decide to appoint an investigating officer and will consider all the available evidence.
- 5.24. The complainant and the Principal will be informed of the outcome within 20 school days of the CEO receiving the complaint. The complainant will be advised of any escalation options (for example, escalation to stage four) and will be provided with details of this process.
- 5.25. The complainant will also be provided with copies of minutes, subject to any necessary redactions under the Data Protection Act 2018 and the GDPR.
- 5.26. If the complainant is not satisfied with the manner in which the process has been followed, considers the decision to be perverse, or believes that the CEO has acted unreasonably, they may request that the board of trustees review the complaint (stage four).

Stage four – Complaints appeal panel (CAP)

- 5.27. Following receipt of a stage three outcome, the complaint should be made in writing to the chair of trustees within 10 school days.
- 5.28. Where there are communication difficulties, the complaint may be made in person or via telephone.
- 5.29. To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept, and a copy of any written response is added to the record. These notes are kept securely on the school's ICT system and, where appropriate, encrypted.
- 5.30. Written acknowledgement of the complaint will be made within three school days. This will inform the complainant that a CAP will hear the complaint within 20 school days.
- 5.31. Neither the school nor the complainant should bring legal representation to the CAP proceedings; however, where a school employee is a witness in a complaint, they may be entitled to bring union or legal representation.
- 5.32. The chair of trustees, or another nominated trustee, will convene a CAP comprising:
 - Three people not previously involved in the complaint (two trustees and one person who is independent of the management and running of the school). Trustees are not eligible to be independent panel members.
- 5.33. Trustees from any category of trustee or associate members of another governing board can be approached to take part in a panel meeting.
- 5.34. Five days' notice will be given to all parties attending the CAP and the complainant.
- 5.35. Prior to the hearing, the chair of trustees will have written to the complainant informing them of how the review will be conducted. The CEO and Principal will also have a copy of this letter.

- 5.36. At the hearing, all participants will be given the opportunity to put their case across and discuss any issues.
- 5.37. The CAP will consider issues raised in the original complaint and any issues which have been highlighted during the complaints procedure.
- 5.38. The meeting should allow for:
- The complainant to be present and accompanied at the hearing if they wish.
 - The complainant to explain their complaint and the Principal and/or the CEO to explain the reasons for their decision.
 - The complainant to question the Principal and/or the CEO, and vice versa, about the complaint.
 - Any evidence, including witnesses who have been prior approved by the chair of the CAP, to be questioned.
 - Members of the CAP to question both the complainant and the Principal and/or the CEO.
 - Final statements to be made by both parties involved.
- 5.39. When the meeting is finished and all other parties have withdrawn, the CAP will review all the evidence that has been gathered before deciding whether to:
- Dismiss or uphold the complaint, in whole or in part.
 - Decide on appropriate action to be taken.
 - Recommend changes that the school can make to prevent reoccurrence of the problem
- 5.40. The complainant will receive a written response explaining the panel's findings and recommendations within 15 school days. This letter will also explain whether there are any further rights of appeal and to whom they need to be addressed.
- 5.41. Where relevant, the person complained about will receive a summary of the panel's findings and recommendations. They will also receive a copy of the minutes, subject to any necessary redactions under the Data Protection Act 2018 and the GDPR.

Final stage – Appeal

- 5.42. If a complainant has exhausted the Trust's complaints procedure, they will be advised that they can submit a complaint to the ESFA using the [online form](#) or in writing to:

Ministerial and Public Communications Division
Department for Education
Piccadilly Gate
Store Street

Manchester

M1 2WD

6. Complaints not covered by this procedure

- 6.1. Complaints regarding the following topics should be directed to the Local Authority (LA):
 - Statutory assessments of Special Educational Needs and Disabilities (SEND).
 - School re-organisation proposals
 - Admissions to schools
- 6.2. Complaints about child protection matters will be handled in line with the school's Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance.
- 6.3. Any child protection complaints should be directed to the Local Authority Designated Officer (LADO) or the Multi-Agency Safeguarding Hub (MASH).
- 6.4. Complaints concerning admissions will be directed to the appropriate admissions authority.
- 6.5. Complaints regarding exclusions will be dealt with in accordance with procedures outlined in the Exclusions Policy.
- 6.6. The school has an internal whistleblowing procedure for all employees, including contractors and temporary staff outlined in the Whistleblowing Policy.
- 6.7. Any whistleblowers not wishing to raise the issue with their employer will direct their complaint to the DfE.
- 6.8. Volunteers who have concerns about the school or a member of staff should make their complaint in line with this policy. Volunteers may also be able to complain to the LA or DfE, depending on what the complaint is about.
- 6.9. Staff grievances and disciplinary procedures will be dealt with in line with the Grievance Policy. In these cases, complainants will not be informed of the outcome of any investigations; however, they will be notified that the matter is being addressed.
- 6.10. This complaints procedure is not to be used when addressing any complaints made about services provided by a third party who may use the school premises or facilities. All complaints concerning this should be directed to the service provider.
- 6.11. Complaints about the content of national curriculum should be made to the DfE.

- 6.12. Complaints about how the school delivers the curriculum, including Religious Education (RE) and Relationships and Sex Education (RSE), will be dealt with using this complaints procedure.
- 6.13. Complaints from parents who are dissatisfied with the handling of a request to withdraw their child from RE or collective worship will be handled in line with this complaints procedure.
- 6.14. Requests for information and issues with the school's process for dealing with Freedom of Information (FOI) requests, will be dealt with in accordance with the Freedom of Information Policy.

7. Managing unreasonable requests

- 7.1. The school and trust are 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; however, we do not expect our staff to tolerate unacceptable behaviour and will act to protect staff from that behaviour, including that which is abusive, offensive or threatening.
- 7.2. 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 considered 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 complaints procedure has been fully and properly implemented and completed including referral to the DfE.
 - 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.
- 7.3. 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
 - By publishing unacceptable information in a variety of media such as on social media websites and in newspapers
- 7.4. Complainants should limit the numbers of communications with a school whilst 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.
- 7.5. Whenever possible, the Principal, CEO or chair of trustees will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.
- 7.6. If the behaviour continues, the Principal 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, the school may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.

8. Records of Complaints

- 8.1. A written record is kept of all complaints that are made, recording specifically
- whether they are resolved following a formal procedure, or proceed to a panel hearing
 - the action taken by the school/academy as a result of those complaints (regardless of whether they are upheld)
- 8.2. A copy of the panel's findings and recommendations is available for inspection on the school/academy premises by the trustees, CEO and Principal

- 8.3. Correspondence, statements and records relating to individual complaints are 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.

9. Reviewing the procedure

- 9.1. The complaints procedure will be reviewed annually considering the latest guidance issued by the DfE.
- 9.2. Responsibility for reviewing the procedure belongs to the CEO.
- 9.3. Information gathered through reviewing the complaints procedure will be used to continuously improve and develop the process.
- 9.4. The monitoring and reviewing of complaints will be used to help evaluate the school's and the trust's performance.