



# THE LOUGHBOROUGH Schools Foundation

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# LOUGHBOROUGH SCHOOLS FOUNDATION

## PARENTAL COMPLAINTS POLICY & PROCEDURES

### 1.0 Introduction

- 1.1 Loughborough Schools Foundation (“the Foundation”) aims to provide excellence in its academic, extra-curricular provision and in its pastoral care, within a caring and happy environment for its pupils and staff. There may, however, be occasions when parents are dissatisfied and wish to make a complaint.
- 1.2 The Foundation’s Parental Complaints Policy and Procedures (this Policy) is drafted in accordance with Part 7 of the Education (Independent School Standards) Regulations 2014 and is made available to parents of pupils and parents of prospective pupils on the School's website and is available in hard copy from the School offices.
- 1.3 The primary aim of this policy is to set out how complaints may be resolved as fairly and quickly as possible. Complaints will be managed sympathetically and will be dealt with in an impartial and confidential manner. We believe that it is beneficial to deal with a complaint informally wherever possible and as speedily as is practicable.
- 1.4 The term parent includes a current parent or legal guardian or education guardian.
- 1.5 This Policy applies to complaints from parents of current pupils and to parents of former pupils provided that the complaint was raised formally when the pupil was registered at the School.
- 1.6 Any matter about which a parent of a pupil is unhappy and seeks action by a school is a complaint. It may come as an expression of dissatisfaction however made, about actions taken or a lack of action.
- 1.7 It is in everyone’s interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of this complaints procedure.
- 1.8 Timescales for each stage are set out below in the relevant paragraphs. When we refer to **working days**, we mean Monday to Friday, when School is open during term time. The dates of terms are published on the School's website.

- 1.9 It is expected that the complaints procedure will progress in a timely manner. The Foundation aims to resolve any complaint efficiently and promptly and parents are encouraged to bring any complaints to the School's attention as soon as possible after any incident causing concern.
- 1.10 It should be noted that the timescales and management of any complaint can be significantly affected by the involvement of external agencies such as the police and child support services.
- 1.11 It is recognised that serious issues may be raised in an informal and friendly way, and apparently trivial issues can be raised in an adversarial manner. The way a complaint is made does not determine the level of importance that is attached to a complaint.
- 1.12 The details of all complaints under stage 2 and stage 3 will be recorded in a complaints log, along with an indication of the action which is taken and the outcome.

## 2.0 **Policy Aims**

2.1 The Aims of this Policy are:

- To promote a culture that is open and welcoming.
- To demonstrate to parents that their opinions are valued.
- To encourage parents to raise any concerns that they might have.
- To enable parents to feel comfortable in communicating with the school.
- To enable members of staff to feel comfortable when dealing with complaints.
- To establish a means of dealing with complaints
- To ensure that a concern or complaint is managed sympathetically, efficiently and at the appropriate level.
- To resolve every concern or complaint in a positive way and as soon as possible.

## 3.0 **Lines of Approach**

3.1 All members of staff are encouraged to deal in an appropriate and professional manner with parental concerns which lie within their area of responsibility. A concern being defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.

If parents or guardians have a concern, they should contact the pupil's Form Tutor, Class Teacher, or Head of Year.

- 3.2 If approached by parents about a matter which lies outside their remit, a member of staff should refer a concern/complaint to the appropriate person and inform the parents.
- 3.3 Matters incapable of resolution at a particular level will be referred to the appropriate senior person, and parents will be kept informed of the action which is being taken. This approach will, for example, be appropriate if a complaint is made to a relatively junior member of staff about a more senior colleague. Senior staff should recognise those occasions when an issue needs to be taken to the appropriate Head.
- 3.4 Some parents may wish to complain directly to the appropriate Head and there will be occasions when this course is justified. Naturally, the appropriate Head may not be able to respond until they have consulted the staff that can advise and assist.
- 3.5 Complaints from members of the public will normally be treated in a similar way to complaints from parents, although certain complaints from members of the public are likely to be referred by the Head directly to the Chair of Governors or another appropriate senior member of Foundation staff. Letters of complaint to the Chair should be addressed to 3 Burton Walks, Loughborough, Leics, LE11 2DU.
- 3.6 Written responses should always be signed by the person to whom the parent made the complaint, or by a more senior person in the School who has dealt with the issue.
- 3.7 In respect of complaints relating to a School, parents should use the formal complaints policy, and refrain from airing any grievances or concerns on social media sites, as this could be potentially damaging to the Foundation, School and our pupils.

### **3.8 Procedure**

3.8.1 The stages of the School's complaints procedure

3.8.2 The School's complaints procedure has three stages:

- Stage 1: Informal Resolution - informal raising of a complaint with a member of staff orally or in writing.
- Stage 2: Formal Resolution - a formal complaint in writing to the Head.
- Stage 3: Panel Hearing - reference to the Complaints Panel.

### Stage 1 – Informal Resolution

Contact: Form Tutor/Class teacher or Head of Year

Timescale: Complaint acknowledged normally within 24 hours, aiming for a resolution normally within 10 working days.

- 3.8.3 It is hoped that most complaints will be resolved quickly and informally. For example, dissatisfaction about some aspect of teaching, pastoral care or a billing error should be able to be resolved by the appropriate member of staff.
- 3.8.4 If parents or guardians have a complaint, they should contact the pupil's Form Tutor, Class Teacher, or Head of Year. If they are not the appropriate person to deal with it, it will be passed to the person who is. If this individual cannot resolve the matter alone, it may be necessary for them to consult the Deputy Head or the Head.
- 3.8.5 Boarders' parents or legal guardians should direct concerns/complaints to the Boarding House Master. Alternatively, they can be directed to the Head or Deputy Head (Pastoral). Boarding House complaints will be addressed in accordance with this Policy.
- 3.8.6 Concerns or complaints made directly to the Deputy Head, or the Head will be referred to the relevant member of staff unless the Deputy Head or the Head deems it appropriate to deal with the matter personally.
- 3.8.7 The aim is to resolve the matter promptly to the parents' satisfaction.
- 3.8.8 The member of staff in receipt of the complaint will make a written record of it and the date on which it was received. An informal complaint provided in writing will be acknowledged by telephone, email, or letter within 2 working days of receipt during term time and as soon as practicable during the holidays. A matter raised orally will not necessarily be acknowledged in writing, but a record of the matter will be made. Should the matter not be resolved within 10 working days or if the member of staff and the parent fail to reach a satisfactory resolution, then parents will be advised to proceed with their complaint in accordance with Stage 2 of this Procedure.

### Stage 2 – Formal Resolution

Contact: Head (A complaint against the Head should be put in writing to the Chair of Governors who will follow the procedure set out in Stage 2)

Timescale: Head to contact parents with a resolution normally within 10 working days (The complaint will be acknowledged by telephone, email, or letter within 3 working days during term time, and as soon as practicable during the holidays, indicating the action that is being taken and the likely time scale)

*Note – special additional circumstances apply to Early Years Foundation Stage (EYFS) complaints – see Section 4.0 below.*

3.8.7 If the complaint cannot be resolved at Stage 1 (Informal Resolution), then the parents should put their complaint in writing to the Head stating explicitly that, having been through Stage 1 of the procedure, they remain dissatisfied and now wish to make a “formal complaint”. The Head will decide, after considering the complaint, the appropriate course of action to take.

3.8.8 In most cases, the Head will speak to the parents concerned, usually with another member of the Senior Leadership Team present, normally within 5 working days of receiving the complaint. If possible, a resolution will be reached at this stage.

3.8.9 It may be necessary for the Head to carry out further investigations.

3.8.10 Written records of all meetings and interviews held in relation to the complaint will be kept.

3.8.11 Once the Head is satisfied that, so far as is practicable, all the relevant facts have been established, a decision will be made and parents informed in writing, detailing the reasons normally within 5 working days of the initial meeting.

3.8.12 If a parent is dissatisfied with the decision, the parent can request that the complaint be referred to the Complaints Panel under Stage 3 of this procedure.

### **Intractable Complaints**

3.8.13 In some cases it may not be possible for a school or a Head to resolve a complaint in a manner which satisfies a complainant.

3.8.14 In this event, it may be necessary to refer a complaint to the Chair of Governors. The broad procedure would be that the relevant Head would refer a matter within his or her sphere of responsibility to the Chair of Governors and would inform the parents that this stage has been reached. Alternatively, the parents may write directly to the Chair of Governors.

3.8.15 Depending on the circumstances, the Chair may wish to deal with the matter informally or formally.

Under an informal approach:

- i. The Chair may seek to deal with the matter. In such an event, the Chair would call for a full report and for copies of all relevant documents. The Chair would advise the complainant that this action is taking place.
- ii. In the interest of natural justice, the Chair would provide the parents and other parties with an opportunity to add to what has already been said and would provide a date by which the parents may expect a response.
- iii. The Chair may be able to offer a new approach to the matter, and this may satisfy the parents. The Chair may offer a meeting if the parents remain troubled.

Under a formal approach:

See Stage 3 – Panel Hearing

### Stage 3 – Panel Hearing

Contact: Head of Governance and Corporate Affairs, who will inform the Chair of the Governors who will call a ‘Complaints Panel’.

Timescale: Hearing to take place normally within 28 working days of receipt of the request.

Any documentation to be provided normally no later than 5 days before the hearing. Decision made normally within 7 days of hearing.

*Note – special additional circumstances apply to Early Years.*

3.8.16 If the complaint cannot be resolved at stage 2, the parents should write to the Head of Governance and Corporate Affairs within 10 working days of receiving the decision at Stage 2, setting out their grounds of appeal, the outcome sought and full details of their complaint. Any supporting evidence which the parents wish to rely on should also be provided with their grounds of appeal. The Panel will not consider any new areas of complaint, which have not been previously raised as part of the complaints procedure.

3.8.17 The Head of Governance and Corporate Affairs, will acknowledge the request for a Hearing in writing within 3 working days of receipt during term time and as soon as practicable during the holidays.

## **3.9 Planning the Hearing**

3.9.1 The Head of Governance and Corporate Affairs, will then refer the appeal to the Complaints Panel for consideration, unless paragraph 1.5 applies. The Panel will consist of three persons not directly involved in the matters detailed in the complaint and one of whom shall be independent of the management and running of the School. The Panel will appoint a member to act as Chair. Every effort will be made to enable the Panel Hearing to take place within 25 working days of receipt of the request. If this is not possible, the parent will be kept informed, and an indicative timescale given. The Panel will not normally sit during school holidays.

3.9.2 As soon as reasonably practicable, and in any event at least 5 working days before, written notification of the date, time and place of the hearing and the names of the Panel members will be provided.

3.9.3 Copies of any additional documents parents wish the Panel to consider should be sent to the Head of Governance and Corporate Affairs at least 5 working days prior to the Hearing.

3.9.4 Parents may be accompanied to the Hearing by another person, for example a relative or friend. The Hearing is not legal proceedings and so legal representation is not necessary. This person will not be permitted to act as an advocate or to address the Hearing unless invited to do so by the Chair of the Panel.

3.9.5 The Head of Governance and Corporate Affairs will circulate a copy of the bundle of documents to be considered by the Complaints Panel to all parties at least 5 working days prior to the Hearing.

### **3.10 The Hearing**

3.10.1 The way the hearing is conducted shall be at the discretion of the Panel. The hearing may be either sequential or round table with all parties present and this will be determined by the Chair of the Panel.

3.10.2 All those attending the Hearing are expected to show courtesy, restraint, and good manners or, after due warning, the Hearing may be adjourned or terminated at the discretion of the Chair. Any person who is dissatisfied with any aspect of the way the Hearing is conducted must say so before the proceedings go any further and his / her comment will be minuted.

3.10.3 The Chair may, at their discretion, adjourn the Hearing for further investigation of any relevant issue. This may include an adjournment to take legal advice.

3.10.4 The Panel hearing will be professionally clerked.

3.10.5 A Hearing before the Complaints Panel is a private proceeding. No notes or other records or oral statements about any matter discussed in or arising from the proceeding shall be made available directly or indirectly to the press or other media.

### **3.11 The Decision**

3.11.1 After due consideration of all the facts they consider relevant, the Complaints Panel will reach a decision on the balance of probabilities as to whether the Stage 2 decision was a reasonable one and accordingly decide whether to:

- Dismiss the complaint(s) in whole or in part;
- Uphold the complaint(s) in whole or in part; and
- may make recommendations.

The panel must decide whether the complaint(s) made are well-founded. To do this they must establish on balance of probabilities what happened. This means that if there is a dispute in the evidence about what happened, they will reach a decision by considering which version of events is more likely than not to have occurred.

It is not within the powers of the Panel to make any financial award, nor to impose sanctions on staff, pupils, or parents. The Panel may make findings and recommendations on these or any other issues to the Head of the Governing Body as appropriate.

3.11.2 The decision, findings and any recommendations will be confirmed in writing to the complainant and, where relevant, the person complained about, within 7



working days of the Hearing. The decisions, findings and any recommendations will also be available for inspection on the School premises by the Governing Body and the Head.

3.11.3 The completion of Stage 3 represents the conclusion of the Foundation's Complaints Procedure.

#### **4.0 Special Provision for Early Years Foundation Stage (EYFS)**

4.1 In the case of Fairfield Preparatory School and Loughborough Amherst School, both being registered for the Early Years' Foundation Stage, parents can make a complaint to Ofsted and/or the Independent Schools Inspectorate (ISI) if they so wish, although it is expected that complaints will go through the school's complaints procedures first.

- A complaint to OFSTED can be made online or to OFSTED, Piccadilly Gate, Store Street, Manchester, M1 2WD, telephone number 0300 123 1231, e-mail: [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)
- A complaint to the Independent Schools' Inspectorate should be made to 1<sup>st</sup> Floor, CAP House, 9-12 Long Lane, London EC1A 9HA or email to [concerns@isi.net](mailto:concerns@isi.net) .
- There is a requirement to notify a complainant of the outcome of an investigation normally within 28 days of having received a complaint.
- Records of such complaints are kept for at least three years.
- OFSTED and/or the Independent Schools' Inspectorate, on request, must be provided with a written record of all complaints made during any specified period, and the action which was taken as a result of each complaint.

#### **5.0 Reducing Anxiety**

5.1 A parent who makes a complaint may feel vulnerable and the School should attempt to reduce anxiety by taking the matter seriously and dispelling any uncertainty as to the way in which a complaint will be handled. It will often help if:

- Information about the complaints procedure is clear.
- Complaints are acknowledged immediately or within 5 working days.

5.2 Staff should always inform parents what is happening because of their complaint and, if a detailed response is needed, the date by which it is likely to be received.

## **6.0 Confidentiality**

- 6.1 Confidentiality is often a crucial issue for parents, pupils, and staff. It is essential that any complaint is treated both in a confidential manner and with due respect. If necessary, the policy on maintaining confidentiality may need to be explained to a complainant.
- 6.2 Parents and pupils should never feel that making a complaint will adversely affect a pupil or his/ her opportunities at the School.
- 6.3 It may sometimes be possible to deal with a problem without naming individuals. However, even if names are not provided, the source of the complaint may be clear. Care may need to be exercised in this situation and the balance between dealing effectively with a complaint on the one hand and maintaining confidentiality on the other may need to be weighed particularly carefully.
- 6.4 Staff members are invariably concerned that they should be informed of complaints, which might be damaging to their reputation. Training may help staff to deal not only with complaints which are made to them, but also with complaints which are made about them. The Schools should be aware of the need to provide support for members of staff against whom a complaint is made; a colleague who is not otherwise involved could often provide such support.
- 6.5 If there is a possibility of an issue concerning child safety or protection, or a situation which is likely to involve the police, the appropriate procedures and guidance on confidentiality must be followed particularly carefully.
- 6.6 The relevant Secretary of State, or a body conducting an inspection under section 109 of the Education and Skills Act 2008, as amended, may have access to correspondence, statements and records relating to individual complaints; the act of granting access to the Secretary of State, or a body conducting an inspection, does not constitute a breach of the confidentiality of the relevant documents.

## **7.0 Anonymous Complaints**

- 7.1 Anonymous complaints occur where there is no indication as to the name or address of a complainant, or where a complainant indicates that he or she does not wish to be identified.
- 7.2 Complaints from members of the public about the behaviour of a group of pupils could, if appropriate, be dealt with on a general basis, with a reminder about the standards and expectations of a school.

7.3 Parents should always be encouraged to provide their names and should be given a reassurance on the issue of confidentiality. If a complainant is adamant that they wish to remain anonymous, it is at the Head's discretion as to what action, if any, should be taken.

7.4 Anonymous complaints must also be recorded in the register of complaints.

## **8.0 Complaints Concerning Boarding Pupils**

8.1 Boarders' parents or legal guardians should direct complaints initially to the relevant Boarding House Master/Mistress. Alternatively, they can be directed to the appropriate Head or Deputy Head (Pastoral). Boarding House complaints will be addressed in accordance with this Policy. This includes details of how boarders or parents may appeal against a decision made by the school about their complaint.

8.2 Under the National Minimum Standards it is a requirement that boarding pupils and their parents are informed as to how they can contact OFSTED and the Local Authority Allegations Manager (LADO) regarding any complaint concerning the welfare of pupils.

A complaint to OFSTED should be made to:

OFSTED  
Royal Exchange Building  
St Anne's Square  
Manchester  
N2 7LA  
Telephone Number: 0300 123 1231  
Email: [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)

The relevant contact at the local authority is:

Allegations Manager/LADO  
County Hall  
Safeguarding Unit  
Room 101  
Leicester Road  
Glenfield  
Leicester LE3 8RF  
Telephone Number: 0116 3057597

## **9.0 Further Action**

9.1 The Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015 require the Foundation to provide parents on conclusion of the final stage of the Complaints Procedure with the name and address of an alternative dispute resolution provider who has been certified by the Chartered Trading Standards Institute as competent to resolve consumer disputes. These details are set out below. However, please note that the Foundation is not obliged to enter alternative dispute resolution.

9.2 ADR provider certified by the Chartered Trading Standards Institute: Centre for Effective Resolution (CEDR): [www.cedr.com/consumer/](http://www.cedr.com/consumer/) .

## **10.0 Training**

10.1 Given the diverse nature of complaints, the Schools should ensure through training that all staff, including support staff, know how to carry out their responsibilities. Training should cover:

- The complaints' procedures.
- Communication skills, such as listening, questioning, and calming.

## **11.0 Record Keeping and Reporting**

11.1 Written records will be kept of all stage 2 and stage 3 complaints and of whether they are resolved following a formal procedure or proceed to a panel hearing; and of the action taken because of these complaints, regardless of whether they are upheld. The number of formal complaints registered during the preceding school year is posted on the School's website.

11.2 Parents can be assured that all concerns and complaints will be treated seriously and confidentially as is required by paragraph 33(k) of the Education (Independent Schools Standards) Regulations 2014. Correspondence, statements, and records will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 request access to them; or where any other legal obligation prevails.

11.3 In accordance with data protection principles, details of individual complaints will be kept only for as long as is considered to be reasonably necessary in the circumstances. The Foundation processes all data in accordance with its Data Protection Policy. When dealing with complaints the School (including any Panel member appointed under the Stage 3 process) may process a range of information, which may include 'special category personal data' (potentially including, for instance, information relating to physical or mental health) where this is necessary owing to the nature of the complaint.

- 11.4 Brief summaries of complaints reaching Stage 3 will be reported to the Governors with the Business Reporting mechanisms to ensure that any lessons are learned. Care will be taken to preserve the impartiality of Governors in case of later Appeals Panels on any of the complaints presented.

## **12.0 Communication with Parents and Prospective Parents**

- 12.1 It is a requirement of the Independent Schools' Inspectorate that a copy of this Policy is to be available on the website for the Foundation and each School.
- 12.2 The number of formal (stage 2 and 3) complaints made against each school in the preceding school year is available on request to parents and prospective parents.

## **13.0 Managing Serial and Unreasonable Complaints**

- 13.1 Loughborough Schools Foundation 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 Foundation. 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.
- 13.2 The Foundation defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact, such as, if the complainant:
- 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
  - refuses to accept that certain issues are not within the scope of the complaints procedure
  - insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
  - introduces trivial or irrelevant information which they expect to be considered and commented on
  - 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 Foundation's complaint procedure has been fully and properly implemented and completed
- seeks an unrealistic outcome
- makes excessive demands on Foundation time by frequent, lengthy, and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive, or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

13.3 Complainants should try to limit their communication with the Foundation that relates to their complaint, while the 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.

13.4 Whenever possible, the Head or Chair of Governors will discuss any concerns with the complainant informally before considering the complainant to be 'unreasonable'.

13.5 If the behaviour continues, the Head will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the Foundation causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

13.6 In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from the Foundation premises.