



THE LOUGHBOROUGH Schools Foundation

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LOUGHBOROUGH SCHOOLS FOUNDATION

POLICY & PROCEDURES FOR DEALING WITH COMPLAINTS

MADE AGAINST THE SCHOOLS AND STAFF

1.0 Introduction

1.1 *The Education Act 2002 and Regulations made under the Act made changes to the statutory requirements for independent schools which came into effect on the 1st September, 2003. These requirements have been amended in 2005, 2007, 2009 and 2014. As part of these Regulations, independent schools are required to have a written complaints' procedure. This policy has been produced in order to comply with this statutory requirement, and with subsequent directions from OFSTED and the Independent Schools Inspectorate. It also complies with Standard 18 of the National Minimum Standards for Boarding Schools. The Regulations and policy do not apply to complaints made about the Loughborough Schools Foundation or Company limited by guarantee.*

1.2 A complaint is a verbal or written statement of protest or remonstrance. It is more than an expression of unease or a statement of concern, which can be handled within the normal channels for communication. **A complaint is, unmistakably, a statement which requires a formal response.**

1.3 An effective complaints Policy and procedure can diffuse problems and can also provide the Schools with helpful information. Complaints treated as constructive suggestions can be used to improve standards and may prevent cause for further complaints. Even an unjustified complaint may focus attention upon an area which may benefit from review.

1.4 Complaints typically emanate from one of four sources: parents and guardians, pupils, members of staff or members of the public. This Policy does not deal with complaints from members of staff about aspects of their work. The relevant sections of their contracts of employment regulate such complaints. 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 directly to the Chair of Governors, the relevant Head or a senior member of staff. The Policy therefore deals mainly with the procedures regarding complaints by parents and pupils. Whilst parents will often wish to raise issues on behalf of pupils, there are other issues which pupils may choose to raise on their own behalf, and which are best raised by them.

1.5 It should be 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 manner in which a complaint is made does not determine the level of importance that is attached to a complaint.

1.6 The ISI has directed that the details of all complaints be recorded by schools 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 and pupils that their opinions are valued.
- To encourage parents and pupils 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

2.2 The aim of this Policy is to ensure that a concern or complaint is managed sympathetically, efficiently and at the appropriate level, and that it is resolved as soon as possible. Doing so is good practice, it is fair to those concerned and it helps to promote parents and pupil's confidence in the Schools' ability to safeguard and promote standards and welfare. The constituent Schools within the Foundation will try to resolve every concern or complaint in a positive way with the aim of resolving matters which may not have been treated entirely appropriately and, where necessary, reviewing their systems and procedures in the light of the circumstances.

3.0 **Lines of Approach**

3.1 All members of staff are encouraged to deal in an appropriate and professional manner with parental or pupil concerns which lie within their area of responsibility. Certain staff may need to be trained to deal with complaints.

3.2 If approached by parents or pupils about a matter which lies outside their remit, a member of staff should refer a complaint to the appropriate person and inform the parents or pupil(s).

3.3 Matters incapable of resolution at a particular level should be referred to the appropriate senior person, and parents or pupils should be kept informed of the action which is being taken. This approach would, 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 and pupils 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 he/she has consulted the staff that can advise and assist.
- 3.5 Complaints may on occasions be made directly to the Chair of Governors or to the Governing Body. Alternatively, one of the Heads may consider it appropriate to refer a complaint on a matter to the Governing Body. Letters of complaint to the Chair or the Governing Body should be addressed to No.3 Burton Walks, Loughborough, Leicestershire, 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 School and our pupils.

3.8 Procedure

Stage 1 – Informal Resolution

Contact: Tutor/Class teacher, Head of Year or Deputy Head

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

3.8.1 It is hoped that most complaints and concerns will be resolved quickly and informally.

3.8.2 If parents or guardians have a complaint, they should contact the pupil's form Tutor, Class Teacher or Head of Year, or the Deputy Head. If he/she is not the appropriate person to deal with it, he/she will pass it to the person who is. If this individual cannot resolve the matter alone, it may be necessary for him/her to consult the Deputy Head or the Head.

3.8.3 Boarders' parents or legal guardians should direct 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 the LSF Complaints Policy

3.8.4 The aim is to resolve the matter promptly to the parents' or guardians' satisfaction.

3.8.5 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.

3.8.6 The member of staff in receipt of the complaint/concern will make a written record of it and the date on which it was received. Should the matter not be resolved within ten working days or in the event that the member of staff and the parent fail to reach a satisfactory resolution, then parents or guardians will be advised to proceed with their complaint in accordance with Stage 2 of this Procedure.

Stage 2 – Formal Resolution

Contact: Head

Timescale: Head to contact parents within five working days
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 or guardians should put their complaint in writing (letter rather than e-mail) 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 or guardians concerned, usually with another member of the Senior Leadership Team present, within five 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 The Head will keep written records of all meetings and interviews held in relation to the complaint.

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

3.8.12 If parents or guardians are still not satisfied with the decision, they should proceed to Stage 3 of this Procedure.

Stage 3 – Panel Hearing

Contact: Secretary to the Board, who will inform the Chair of the Governors who will call a ‘Complaints Panel’.

Timescale: Hearing to take place within 28 working days.
Any documentation to be provided no later than five days before the hearing. Decision made within five days of hearing.
Note – special additional circumstances apply to Early Years Foundation Stage (EYFS) complaints – see Section 4.0 below.

3.8.13 If parents or guardians seek to invoke Stage 3 (following a failure to reach resolution at Stages 1 or 2), they will be referred to the Secretary to the Board, who has been appointed by the Governors to call hearings of the Complaints Panel.

3.8.14 The matter will then be referred to the Complaints Panel for consideration. The Panel will consist of at least three persons not directly involved in the matters detailed in the complaint, one of whom shall be independent of the management and running of the school. The Chair of the Governors shall appoint each of the Panel members. The Secretary to the Board, on behalf of the Panel, will then acknowledge the complaint and schedule a hearing to take place within 28 working days.

3.8.15 If the Panel deems it necessary, it may require that further particulars of the complaint or any related matter be supplied in advance of the hearing. Copies of such particulars shall be supplied to all parties not later than 5 days prior to the hearing.

3.8.16 The parents or guardians may be accompanied to the hearing by one other person. This may be a relative, teacher or friend. Legal representation is not normally appropriate.

3.8.17 If possible, the Panel will resolve the parents' or guardians' complaint immediately without the need for further investigation.

3.8.18 Where further investigation is required, the Panel will decide how it should be carried out. After due consideration of all facts they consider relevant, the Panel will reach a decision and may make recommendations which, unless there are any extenuating circumstances, it shall complete within 5 working days of the Hearing. The Panel will write to the parents or guardians informing them of its decision and the reasons for it. The decision of the Panel will be final. The Panel's findings and, if any, recommendations will be sent in writing to the parents or guardians, the Head, the Governors and, where relevant, the subject of the complaint. A copy of those findings and recommendations will be available for inspection on the school premises by the Governors and the Head.

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
- A complaint to the Independent Schools' Inspectorate should be made to 1st Floor, CAP House, 9-12 Long Lane, London EC1A 9HA or email to concerns@isi.net .
- There is a requirement to notify a complainant of the outcome of an investigation 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 or pupil who makes a complaint may feel vulnerable and the Schools 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 as a result 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 Complaints made by parents should not rebound unfairly on pupils; similarly, complaints raised by pupils should not rebound unfairly either upon them or upon other pupils.

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 and pupils 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 Intractable Complaints

- 8.1 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.
- 8.2 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.
- 8.3 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

9.0 Complaints Concerning Boarding Pupils

- 9.1 Loughborough Grammar School has two Boarding Houses.
- 9.2 Boarders' parents or legal guardians should direct complaints initially 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 the LSF Complaints Policy. This includes details of how boarders or parents may appeal against a decision made by the school about their complaint.
- 9.3 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

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

10.0 Further Action

10.1 Most independent schools have no other body to which they may refer a complaint for arbitration. However, if a complaint has not been resolved satisfactorily within a school or the Foundation, a parent may, depending upon the issue, choose to approach their lawyer, their local member of parliament, the Secretary of State for Education, OFSTED or the Independent Schools' Inspectorate.

11.0 Training

11.1 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.

12.0 Record Keeping and Reporting

12.1 Written records will be kept of all complaints and of whether they are resolved at the preliminary stage or proceed to a panel hearing.

12.2 Parents or guardians 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.

12.3 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.

13.0 Communication with Parents and Prospective Parents

13.1 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.

13.2 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.

14.0 Managing Serial and Unreasonable Complaints

14.1 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.

14.2 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 taken into account 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.

14.3 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.

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

14.5 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.

- 14.6 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.