



Complaints Procedure

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1.Aims

The aims of the Leamington LAMP complaints policy is to state the process for responding to complaints from parents of a student at Lamp, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

LAMP will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the LAMP website.

Guidance

This document is based on guidance published by the Education and Skills Funding Agency (ESFA) on creating a complaints procedure, and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

Definitions and scope

The DfE guidance explains the difference between a concern and a complaint.

A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”.

Leamington Lamp will resolve concerns through day-to-day communication as far as possible.

A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.

LAMP intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

LAMP expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

Stages of complaint (not complaints against the director/s)

- Stage 1: informal

LAMP will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the headteacher, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office.

LAMP will acknowledge informal complaints within 5 days, and investigate and provide a response within 15 days.

The informal stage will involve a meeting between the complainant and the Director/s.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

- Stage 2: formal

The formal stage involves the complainant putting the complaint into writing, usually to the director/s and/or the subject of the complaint. This letter should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

The director/s (or other person appointed by the directors for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 15 days.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the director/s within 5 days.

- Stage 3: review panel

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.

The panel will be appointed by or on behalf of the proprietor and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the school.

The panel will have access to the existing record of the complaint's progress.

The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. At the review panel meeting, the complainant and representatives from LAMP, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence. The panel, the complainant and the Lamp representative(s) will be given the chance to ask and reply to questions. Once the complainant and LAMP representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

The panel must then put together its findings and recommendations from the case. The panel will also provide a copy of the findings and recommendations to the complainant and,

where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the proprietor and director/s.

LAMP will inform those involved of the decision in writing within 30 days.

Complaints against a director

Complaints made against a director should be directed to the other director.

Referring complaints on completion of LAMP's procedure

If the complainant is unsatisfied with the outcome of LAMP's complaints procedure and the complaint is regarding LAMP not meeting standards they may contact The Local Authority.

Persistent complaints

Where a complainant tries to re-open the issue with LAMP after the complaints procedure has been fully exhausted and the we have done everything we reasonably can in response to the complaint, the director/s will inform the complainant that the matter is closed.

If the complainant subsequently contacts LAMP again about the same issue, LAMP can choose not to respond. The normal circumstance in which we will not respond is if:

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

However, this list is not intended to be exhaustive.

LAMP will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting us with the intention of causing disruption or inconvenience, *and/or*
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, *and/or*
- The individual makes insulting personal comments about, or threats towards, our staff

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once LAMP has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

LAMP will ensure when making this decision that complainants making any new complaint are heard, and that LAMP acts reasonably.

Record-keeping

LAMP will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or under the terms of the Data Protection Act, or where the material must be made available during an inspection.

Records of complaints will be kept for 5 years.

Learning lessons

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

Monitoring arrangements

The director/s will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The director/s will track the number and nature of complaints, and review underlying issues.

The complaints records are logged and managed by The Education Quality Manager

This policy will be reviewed every year.

Links with other policies

- Child protection and safeguarding policy and procedures
- Staff code of conduct