

Complaints Policy

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Jesus grew in wisdom and stature

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Trust Prayer

We thank you, God of Love, for the gift of children,
bless the work of our Trust, that in all we do
young people may grow in wisdom and stature,
and so come
to know you,
to love you
and to serve you
as Jesus did.

We make our prayer in his name who is God
with you and the Holy Spirit, now and forever.

Amen

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1. Our Mission

- 1.1. To create a Trust in which our schools will thrive under the leadership of Headteachers, supported and challenged by local governing bodies and accountable to the board of trustees.
- 1.2. We will achieve this by living our values of:
 - Collaboration
 - Valuing the Local
 - Valuing Difference
 - Inclusion
- 1.3. We want to ensure that all our children to flourish and reach their full potential, within the explicit Christian culture of our schools.

2. Introduction

- 2.1. Liverpool Diocesan Schools Trust (LDST) aims to deal positively with all complaints, from whatever source. LDST views complaints as an opportunity to re-examine its systems and services and, through feedback to the complainant, show that it is responsive to their concerns.

3. Scope

- 3.1. This policy is for use by parents/carers and community members. Staff should refer to the Whistle Blowing Policy or internal procedures. Reasonable adjustments could be made at any stage if the person making the complaint has a disability, in order to assist the process including representation by other persons if required.
- 3.2. Complaints received under this procedure may be addressed under an alternative policy/procedure e.g. complaints about alleged child abuse will be addressed through the Child Protection and Safeguarding Policy and Procedure.
- 3.3. Where referral to another policy is appropriate, that policy/procedure shall commence from its beginning. For example, an investigation undertaken under this policy shall not replace an investigation under the LDST Disciplinary Policy.
- 3.4. Our complaints procedure is split into four stages.
- 3.5. Complaints should progress through the stages in order. Where a complaint is received at Stage 2 or 3 and has not been through the process outlined in Stage 1 or 2; the person in receipt of the complaint is responsible for ensuring that resolution is sought at the earlier stage, in the first instance.
- 3.6. In exceptional circumstances, a complaint may enter the process at Stage 2 or 3, but it is at the discretion of the Chair of Governors/Headteacher/Operations Team.
- 3.7. The four stages are:

- Stage 1 – Informal
- Stage 2 – Formal
- Stage 3 – Appeal
- Stage 4 – Review

4. Definitions

- 4.1. Receipt of a complaint means the date an e-mail or letter is opened by. If a response has not been received within the timescales specified in this policy, the complainant should check that their complaint has been received.
- 4.2. Working Days are defined as Monday to Thursday 8:30am – 4:30pm and Friday 8:30am – 3pm on days when the school is open for pupils.

5. Stage 1 - Informal

- 5.1. Many concerns will be dealt with informally. Complaints should be addressed to the person closest to the situation. This will usually be:
- Class Teacher
 - Head of Year/House
 - Deputy Headteacher
 - Headteacher
- 5.2. The person who receives a complaint is responsible for ensuring that all details are noted including:
- Date/time received
 - Complainant's name
 - Contact details for the complainant
 - The complaint itself
 - To whom and when the complaint is passed to a colleague to address, if not themselves.
- 5.3. Acknowledgement is assumed for verbal complaints. Written complaints should be acknowledged in writing within 5 working days of receipt.
- 5.4. When a complaint is received the complainant should be advised what the next step is and provided with a copy of the complaints policy.
- 5.5. Often complaints being dealt with at the informal stage will be addressed at a meeting; however, it may be appropriate to respond in writing, without the need for a meeting

- 5.6. Meetings to discuss complaints at the informal stage should be with the relevant member of staff and cover:
- The nature of the concern
 - What happened to cause the concern
 - What action the complainant is seeking to address their concern
- 5.7. Notes should be taken in case the complainant wishes to progress the complaint. The notes should include:
- Details of the complaint
 - The date and time of the meeting
 - The proposed solution.
- 5.8. Complaints being dealt with at the informal stage should be addressed within 10 working days of receipt of the complaint.
- 5.9. Where it is not possible to respond to a complaint or meet with the complainant within 10 working days, the complainant should be advised why it has not been possible and provided with a revised meeting date or date for responding to their concern.
- 5.10. Where the nature of the complaint is such that it must be addressed under an alternative policy e.g. Disciplinary Procedure, the complainant will be advised in writing that this is the case. They should be sent a copy of the policy which will be used to address the complaint and informed that there will be no further action taken under this policy. The complainant should be advised when/if to expect any updates on progress. In such a case 3.3 of this policy applies.
- 5.11. Where the complaint has not been addressed through a meeting or in writing, further meetings with the relevant or a more senior member of staff should be offered.
- 5.12. If the complainant is not satisfied with the proposed solution and further informal meetings and correspondence to reach a resolution are not possible, or have not been successful, the complainant should write a formal letter of complaint (see Stage 2).

6. Stage 2 – Formal

- 6.1. Formal complaints should be submitted in writing to:
- The Headteacher or
 - The Chair of Governors if the complaint refers to the Headteacher or
 - LDST Operations Team if the complaint refers to the Chair of Governors
- 6.2. Before proceeding with the formal stage, the Headteacher (Chair of Governors) (LDST) should ensure that the complainant has sought a resolution at the informal stage.

- 6.3. If the complainant has not sought a resolution at the informal stage, then the procedure in Stage 1 should be followed by the Headteacher (Chair of Governors) (LDST).
- 6.4. There are however, occasions where it may be appropriate to skip Stage 1 of this procedure, which is at the discretion of the Headteacher (Chair of Governors) (LDST).
- 6.5. On receipt of a formal complaint, the Headteacher (Chair of Governors) (LDST) should write to the complainant within 5 working days acknowledging receipt and advising them on when they will receive a full response. A copy of the Complaints Procedure should be included with the response.
- 6.6. We aim to respond to all formal complaints within 10 working days, however more complex complaints will take longer to investigate and a full response could take longer.
- 6.7. All formal complaints should be investigated.
- 6.8. The Headteacher (Chair of Governors) (LDST) may delegate the investigation to another member of staff (Governor) that has not been involved at the informal stage of the complaint.
- 6.9. Following the investigation, a formal report should be written, including a conclusion and recommendations. The conclusion and recommendation may be that the complaint should be addressed under an alternative policy e.g. Disciplinary Procedure. In such a case 3.3 of this policy applies.
- 6.10. Following the investigation; the Headteacher (Chair of Governors) (LDST) should then write to the complainant advising them of the conclusion and recommendations. Where action is being taken to address the complaint the complainant should be advised when/if to expect any updates on progress
- 6.11. If the complainant is not satisfied with the proposed solution and further discussion/correspondence with the Headteacher (Chair of Governors) (LDST) does not result in a resolution, the complainant should contact the LDST Operations Team (see Stage 3).

7. Stage 3 - Appeal

- 7.1. If the complainant is not satisfied with the response to their formal complaint, then they should contact the LDST Operations Team within 10 working days of receipt of the Stage 2 response letter. Where stage 2 of the complaints procedure has managed by a member of the LDST Operations Team then a more senior member of the LDST Operations Team should be contacted.
- 7.2. Contact can be made by phone, e-mail or by post.
- 7.3. If the complaint is received in writing the Operations Team will respond within 5 days of receipt, to acknowledge the complaint. Notes of phone conversations will be recorded, including:
 - Date/time received
 - Complainant's name

- Contact details for the complainant
 - The complaint itself
- 7.4. The Operations Team will ensure that the procedure has been followed correctly at the informal and formal stage. Where this is not the case, the Operations Team will seek a resolution at an earlier stage in the first instance.
- 7.5. If the procedure at the informal and formal stage has been followed correctly, the Operations Team will establish a Complaints Panel to consider the complaint.
- 7.6. At least 5 working days in advance of the Panel meeting the Operations Team will advise the complainant of the:
- Date
 - Time
 - Location
 - Membership of the Complaints Panel
- 7.7. The Complainant may make representations in person or in writing to the Complaints Panel.
- 7.8. The Complainant is entitled to be accompanied to the hearing by a friend or representative.
- 7.9. The Complaints Panel will include at least one person who is independent of the management of the school (i.e. not a Governor of the school or LDST employee).
- 7.10. All members of the Complaints Panel must have had no prior involvement in the complaint. The Panel will usually have the following members:
- Two school Governors
 - A Governor from another LDST school
- 7.11. The Complaints Panel should be convened as soon as possible and will usually take place within 15 days of receipt of a complaint; however, it could take anything up to 1 month.
- 7.12. The Complaints Panel meeting will follow the format of the agenda included in appendix 1.
- 7.13. The Complaints Panel meeting will be minuted and a copy of the minutes along with a letter advising the complainant of the outcome of the meeting will be sent to the complainant within 10 working days of the meeting.
- 7.14. The decision of the Complaints Panel is final. The letter will include details of where to find the Department for Education's School Complaints Form for use by the complainant if they consider that this Complaints Procedure has not been followed correctly.

8. Stage 4 - Review

- 8.1. The Department for Education, through its agency the Education Skills and Funding Agency, will consider complaints about LDST schools if they fall into any of the following three areas:
 - Where there is undue delay or the school did not comply with its own complaints procedure when considering a complaint
 - Where the school is in breach of its funding agreement with the Secretary of State
 - Where a school has failed to comply with any other legal obligation.
- 8.2. The ESFA will not overturn a school's decision about a complaint.
- 8.3. However, if it is found that the school did not deal with a complaint properly the school will be required to look at the complaint again from the appropriate stage following a procedure in line with current regulations.
- 8.4. If the complaint procedure does not meet current regulation, the ESFA will ask the school to put this right.

9. Data Protection (GDPR Compliance)

- 9.1. A complaints register is held by the school and LDST.
- 9.2. The register contains details of the complaint, whether the complaint was resolved at Stage 1, 2 or proceeded to a Complaints Panel hearing.
- 9.3. Correspondence, statements and records relating to individual complaints are stored confidentially by the school, except where the Secretary of State or a body conducting an inspection under section 162A of the Education Act 2002 request access to them.
- 9.4. Minutes of the Complaints Panel hearing detailing the findings and recommendations of the Panel are stored by the school and are available for inspection by LDST and the Headteacher.
- 9.5. Information about complaints will be kept in our electronic data systems, but will be restricted to members of staff dealing with the complaint and our professional advisors.

10. Unreasonably Persistent Complaints

- 10.1. Complaints will be treated as unreasonably persistent if the above procedure has been exhausted, at least once, and the complainant meets one or more of the below criteria:
 - Submits multiple complaints which focus on trivial matters
 - Continually changes the substance of a complaint or raises new concerns whilst the original complaint is being addressed

- Is unwilling to accept documented evidence in response to a complaint
 - Does not clearly identify the issues which they wish to be investigated
 - Threatens or uses physical violence towards staff
 - Subjects staff to verbal abuse or harassment.
- 10.2. Where a complainant meets the above criteria the Chair of Governors should write to the complainant advising them that they have met the criteria for unreasonably persistent complaints, and therefore any further complaints will be acknowledged but not answered.
- 10.3. In truly exceptional cases a complainant may be considered unreasonable even where the above procedure has not been exhausted. Examples include, but are not limited to, where staff have subject to threats of (or actual) physical violence and concerns exist for the health and safety of those involved.
- 10.4. In the case of violence or harassment towards staff, the complainant should also be advised of the consequences should they persist to act in this manner. A copy of the Complaints Policy should be included with the letter, and a copy of the letter sent to the LDST Operations Team.
- 10.5. Once complainants have been deemed unreasonably persistent, this status will remain under review, with the possibility of its withdrawal at a later date if, for example, complainants subsequently demonstrate a more reasonable approach or if they submit a further new complaint for which the normal complaints procedure would appear appropriate.

11. Anonymous Complaints

- 11.1. Anonymous complaints should be treated in accordance with stage 2 of this policy.
- 11.2. If there is sufficient information contained then the complaint should be investigated in the same way as any other complaint.
- 11.3. Anonymous complaints will be acknowledged, but no updates or conclusion will be provided.

Appendix 1 – Agenda

Name of School	
Name of Complainant	
Date	
Time	
Location	

Name of Participant	Position	Purpose
		Panel member 1 (Chair)
		Panel member 2
		Panel member 3
		Complainant
		Complainants Companion
		School Representative

Item Number	Item	Responsible
1	Introduction and meeting procedure	Chair
2	Summary of complaint	Complainant
3	Questions to the Complainant	Panel
4	Representations from the School Representative	School Representative
5	Questions to the School Representative	Panel
6	Summing up from the Complainant	Complainant
7	Summing up from the School Representative	School Representative
8	Withdrawal of Complainant, School Representative and Complainants Companion	Chair
9	Consideration of case by Panel	Panel
10	Return of Complainant, School Representative and Complainants Companion	Chair
11	Decision of the Panel	Chair

Item Number	Supporting Documentation Provided with Agenda
1	
2	
3	
4	