

## Complaints Policy & Procedure

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This Version Number	1.4 (last amended June 2021)
Related Legislation	Section 29 Education Act 2002  Part 7 of the Education (Independent School Standards) Regulations 2014
Related Policies, Strategies and Other Documents	Whistleblowing Policy  DFE best practice guidance for school complaints procedures 2019
Replaces	Previous College Corporation policies and procedures
Policy Owner	Governance Manager
Approval Level	Trust Board
Policy Author	Governance Manager
Applies To	All Colleges within the Trust
Date Communicated to Staff	17 June 2019
Responsibility for Deployment	Chief Executive and Principals
Last Review	6 June 2019
Meeting Date/Minute Reference	Trust Board Meeting
Next Review Due	27 September 2022
Equality Impact Assessment	Positive – includes independent review



## **COMPLAINTS POLICY & PROCEDURE**

### **Policy Aim**

The aim of the Complaints Policy & Procedure is to ensure that concerns and complaints are addressed sympathetically, efficiently, and at the appropriate level. We will try to resolve every concern or complaint in a positive way with the aim of putting right anything that may have gone wrong. We will also seek to improve our systems and procedures whenever we can.

The Complaints Policy & Procedure is also informed by the Trust's values which include a commitment to the highest standards of accountability, integrity, and fairness. These values will govern the way in which we deal with all concerns or complaints.

### **Who Is This Policy & Procedure For?**

The Complaints Policy & Procedure applies to concerns and complaints raised by any individual or organisation external to the College (including parents). It does not apply to:

- internal complaints or grievances as may be raised by staff or students
- Internal disciplinary matters
- 'Whistleblowing' (i.e. where there may be a wider public interest – in these instances, please refer to the Trust's Whistleblowing Policy).

The Complaints Policy & Procedure applies equally to Richard Taunton College and St Vincent College, and any other institution as part of Lighthouse Learning Trust.

### **Timescales**

We aim to resolve any complaints in a timely manner. Timescales for each stage of the Complaints Policy & Procedure are set out below in the relevant paragraphs. For the purposes of this policy, a "working day" is defined as a weekday during term time. The definition of "working day" excludes weekends and Bank Holidays. For the avoidance of doubt, term dates are published on the College's website.

## **Stage 1 – Resolving Informal Concerns**

It is in everyone's interest that concerns are resolved at the earliest possible stage. Many concerns can be resolved informally and do not need to become formal complaints. As such, in the first instance, you should bring your concerns to the attention of the person closest to the source of the issues that you are raising e.g. a relevant teacher or manager etc. That person will seek to resolve matters with you in accordance with the principles of this Complaints Policy & Procedure. If you prefer, or if you feel that your concerns have not been adequately addressed, you may of course bring your concerns directly to the attention of the Principal who will look into the issues you have raised in more detail and seek to resolve matters on your behalf. *NB: if your concerns are about the Principal, then you may instead contact the Trust Chief Executive for the same purpose.*

## **Stage 2 - Registering a Formal Complaint**

If you have been unable to find a resolution on an informal basis (Stage 1), then you may wish to escalate the matter by registering a formal complaint (Stage 2). It is at this point that a 'concern' becomes a 'complaint'.

Formal complaints should be registered no later than 12 weeks following any incident or from the point that you first raised a concern with the College. Exceptionally, complaints registered at a later date may still be investigated, but at discretion of the College.

A formal complaint must be registered in writing, either in hard copy or by email. This written complaint should be sent to the Principal. Alternatively, if the complaint is about the Principal then it should be sent to the Chief Executive. Exceptionally, if the complaint is about the Chief Executive then it should be sent to the Chair of the Trust Board who will investigate the matter in the first instance. Your written complaint should contain as much detail as possible and include all relevant documents along with your contact details. This will help further investigations to be completed in a timely manner.

Acknowledgement - your written complaint will be acknowledged by telephone or in writing (including by email) within 5 working days of receipt.

Investigation and Resolution – the Principal/Chief Executive may investigate your complaint personally or delegate this to a senior manager who will act as the investigating officer. The investigating officer may request additional information from you and will probably wish to speak with you personally, and also to others who have knowledge of the circumstances under investigation. This investigation will normally be completed within 15 working days of receipt of your complaint, unless there are exceptional circumstances which prevent this from being the case. If more time is needed, you will be advised of this by the Principal/Chief Executive who will also explain the reason for any delay. Please note that any complaint received during a College holiday or within one month of the end of a term is likely to take longer to resolve.

At the end of the investigation, the findings of the investigating officer will be advised to you in writing. You will also be told whether or not the College is able to uphold your complaint, and the reasons for that decision. Finally, the College will advise you of any actions it intends to take as a result of your complaint. This notification will represent the College's final position with regard to your complaint.

### **Stage 3 – Review by the Local Governing Body**

If you are dissatisfied with the final decision of the Principal/Chief Executive under Stage 2, you may wish to consider an independent review by Trustees and/or Local Governors. This review can only take place if Stages 1 and 2 of the procedure have been completed.

In order to request an independent review, you should write to the Trust's Governance Manager within 5 working days of receiving notification of the College's Stage 2 decision (above). Contact can be made by hard copy letter or by email. Please enclose a copy of your original complaint and all relevant documents. You should state clearly the grounds for your complaint and the outcome that you desire.

Acknowledgement - your written request for an independent review will be acknowledged in writing (including by email) by the Governance Manager within 5 working days of receipt.

Review Panel – the review of your complaint will be undertaken by a panel of at least 3 people. The panel will comprise Trustees and/or Local Governors who will have no prior knowledge of the case, and at least one panel member will be independent of the management and running of the College. This may be, for example, a Local Governor who serves at another College. The panel will not include the Chair of the Local Governing Body if that person has already investigated the complaint as part of an earlier stage. The Governance Manager will convene the review panel as soon as is practicable but the panel will not normally sit during College holidays. The hearing is not a legal proceeding and the panel shall be under no obligation to hear oral evidence from witnesses but may choose to do so at the discretion of the panel Chair. The same will apply to written statements from witnesses.

Notice of the Hearing – every effort will be made to enable the panel hearing to take place within 20 working days of the receipt of your request. You will be given at least 5 working days notice of the hearing date at which point the Governance Manager will send you written notification of the date, time, and place of the hearing.

The Hearing - you will be invited to attend the hearing and may be accompanied by one other person such as a relative, friend, or colleague. If your complaint concerns your child, they may also attend the hearing at the discretion of the Chair. The hearing will also be attended by the Principal and/or Chief Executive and the Investigating Officer (if that is a separate person). At the hearing you will be given an opportunity to

present your complaint to the panel members and to question the Principal/Chief Executive and/or Investigating Officer about their decision regarding your complaint. The Principal/Chief Executive and/or Investigating Officer will be offered the same opportunity to question you about the details of your complaint. The Governance Manager will attend the hearing and keep a record of proceedings.

The hearing is not a legal proceeding and the panel shall therefore be under no obligation to hear oral or written statements from witnesses, but may choose to do so at the discretion of the Chair. The hearing may not be recorded and you must switch off all devices, including mobile phones, whilst the hearing takes place. The Governance Manager's notes will be the only formal record of the hearing.

Adjournment – the panel Chair may at his/her discretion adjourn the hearing for further investigation of any relevant issue.

Non-Attendance – if you choose not to attend the hearing then the panel will review your complaint in your absence and you will be advised of the panel's decision within 5 working days of the hearing date. If your non-attendance is due to illness or other exceptional circumstance, then the hearing may be postponed and re-scheduled at the discretion of the panel Chair. Only one postponement will be permitted on this basis however.

Panel Decision – the panel will decide whether or not to uphold your complaint. This decision and the reasons for it will be advised to you in writing (including by email) by the panel Chair within 5 working days of the panel hearing. This decision will be final and there is no further appeal. As a result of reviewing your complaint the panel may also make more general findings and recommendations e.g. how a process or procedure might be improved. If this is the case then a copy of these findings and recommendations will be sent to the complainant and, where relevant, to the person complained about. A copy will also be made available for inspection on college premises by the proprietor and the Principal.

## **Confidentiality and Data Protection**

A written record of all concerns and complaints received under Stages 1-3 of the Complaints Policy & Procedure will be kept, including at which stage these were resolved. This data will be retained for a period of 2 years in accordance with the Trust's Data Retention Policy. The purpose of this retention is to help the College monitor any systemic operational or quality issues. Correspondence, statements, and records relating to individual complaints will be kept confidential unless access to this data is required by the Secretary of State for Education or on a statutory basis by other legal authorities. The General Data Protection Regulation will apply to all data collected as a result of the Complaints Policy & Procedure.

An anonymised summary of concerns and complaints will be logged and reviewed by Local Governing Bodies/Trust Board annually.

## Unreasonable Complaints

Lighthouse Learning Trust 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 that complainants have with our Colleges. 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. The Trust will also take action if a complaint is subject to unreasonable behaviour by the complainant. Examples of unreasonable behaviour by the complainant are:

- 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 Policy & Procedure
- Insists on the complaint being dealt with in ways that are incompatible with the Complaints Policy & 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 College's Complaints Policy & Procedure has been fully and properly implemented and completed.
- Seeks an unrealistic outcome
- Makes excessive demands on College time by frequent, lengthy and complicated contact with staff regarding the complaint whilst the complaint is being dealt with – this contact includes written, electronic and telephone communication.
- Uses threats to intimidate
- Uses abusive, offensive, or discriminatory language or violence
- Knowingly provides false information
- Publishes unacceptable information on social media or other public forums

Whenever possible, the Principal/Chief Executive will discuss any concerns with the complainant informally before recommending that the complaint should be subject to an '*unreasonable*' marking. The Chair of the Local Governing Body will review this recommendation and will make the final decision regarding classification of the complaint. The complainant will be advised of this decision in writing. At this point, the College may decide to limit its communication with the complainant or to specify restrictions on the way in which communication can take place. This will be subject to review after a period of 6 months.

In response to any serious incident of aggression or violence, the College will immediately inform the police and may also bar an individual from College grounds or other Trust property with immediate effect.

## **Further Information and Contacts**

### **Angela Berry – Chief Executive, Lighthouse Learning Trust**

Angela.berry@lighthouselearningtrust.ac.uk

### **Paul Swindale – Principal of Richard Taunton College**

swindap@richardtaunton.ac.uk

### **Andy Grant – Principal of St Vincent College**

agrant@stvincent.ac.uk

### **Zoe Huggins – Chair of the Trust Board**

zoehuggins@virginmedia.com

### **Andrew McVittie – Governance Manager**

[Andrew.mcvittie@lighthouselearningtrust.ac.uk](mailto:Andrew.mcvittie@lighthouselearningtrust.ac.uk)

## **Education and Skills Funding Agency**

Lighthouse Learning Trust and its Colleges are funded by the Education & Skills Funding Agency (ESFA). If you can show that you have fully exhausted the College's Complaints Policy and Procedure and remain dissatisfied, you can contact the ESFA which operates its own complaints procedure

