



# LEARNING OPPORTUNITIES

## COMPLAINTS POLICY AND PROCEDURES

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The Complaints Procedure is based on Government best practice guidance March 2019 and will be reviewed 2 yearly.

Previous Review Date:

September 2021

Next Review Date: September 2023

**Proprietor: Lesley Buss**

**Designated Safeguarding Leads (DSLs):**

**Simon Graydon / Catherine Graydon / Heather Tulett**

## **INTRODUCTION**

Learning Opportunities is committed to establishing a clear, simple and accessible complaints procedure, which aims to resolve issues as quickly as possible. The procedure is not intended to replace the normal discussions, which take place on a day-to-day basis regarding problems and concerns as they arise. It is only where the complainant remains dissatisfied with the outcome of such discussions that further steps may need to be taken.

We value good relationships between students / parents / carers, external agencies and the community. These relations are based on mutual respect and a willingness to listen to other points of view. The purpose of our complaints procedure is to provide a structured framework for all concerned to express and resolve concerns, thus providing an opportunity to inform, review and help improve school procedures.

Any concern or complaint will be given careful consideration and will be dealt with fairly and honestly. We will provide sufficient opportunity for any complaint to be fully discussed, and aim to resolve it through open dialogue and mutual understanding. In all cases we put the interests of the student above all else.

## **WHO CAN MAKE A COMPLAINT?**

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Learning Opportunities about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

## **THE DIFFERENCE BETWEEN A CONCERN & A COMPLAINT**

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

A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

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 the complaints procedure. Learning Opportunities takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Head Teacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Head Teacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Learning Opportunities will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

## **HOW TO RAISE A CONCERN OR MAKE A COMPLAINT**

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with either the class teacher or Head Teacher. If the issue remains unresolved, the next step is to make a formal complaint.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

### **ANONYMOUS COMPLAINTS**

We will not normally investigate anonymous complaints. However, the Head Teacher or Proprietor, if appropriate, will determine whether the complaint warrants an investigation.

### **TIME SCALES**

It is expected that complaints are made as soon as possible after an incident arises. You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

### **COMPLAINTS RECEIVED OUTSIDE OF TERM TIME**

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

### **SCOPE OF THIS COMPLAINTS PROCEDURE**

This procedure covers all complaints about any provision by Learning Opportunities, other than complaints that are dealt with under other statutory procedures, including those listed below.

<b>Exceptions</b>	<b>Who to contact</b>
Statutory assessments of Special Educational Needs	Concerns about statutory assessments of Special Educational Needs should be raised with Kent County Council.
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.  If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding 03000 41 08 88 / <a href="mailto:KentChildrensLADO@kent.gov.uk">KentChildrensLADO@kent.gov.uk</a>

Whistleblowing	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>We recognise that in certain circumstances staff may not be able to approach Learning Opportunities about their concerns, and feel it to be more appropriate to take the matter outside the school.</p> <p>The <b>NSCPP Whistleblowing</b> helpline is available for staff who do not feel able to raise concerns internally. Tel: 0800 028 0285 (8am – 8pm Mon – Fri) Email: <a href="mailto:help@nspcc.org.uk">help@nspcc.org.uk</a></p> <p>Volunteer staff who have concerns about our school should complain through the school’s complaints procedure.</p>
Staff grievances	Complaints from staff will be dealt with under the school’s internal grievance procedures.
Staff conduct	<p>Complaints about staff will be dealt with under the school’s internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against Learning Opportunities in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

## **RESOLVING COMPLAINTS**

At each stage in the procedure, Learning Opportunities wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

## **WITHDRAWAL OF A COMPLAINT**

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

## **COMPLAINTS PROCEDURE**

The following are the key stages of our complaints procedure

**Stage 1** – Informal

**Stage 2** – Formal - referral to the Headteacher

**Stage 3** – Hearing - before a panel which includes an independent member

### **Stage 1 - Informal**

If parents or carers have a complaint against the school they may initially wish to contact the school informally either by telephone, in writing or personally after making an appointment. The school will ask the complainant what they think might resolve the issue. The school will consider and resolve as quickly, and efficiently as possible, and will respond with the outcome within 10 days, - where further investigations are necessary that will exceed this time period, new time limits will be communicated with an explanation for the delay.

Where the complainant is not satisfied with the response to the complaint at the informal stage the formal procedure (Stage 2) will be established.

### **Stage 2 - Formal Complaint (Head Teacher)**

*(If the complaint is about the Head Teacher, the proprietor will complete all the actions at Stage 2).*

Formal complaints must be made to the Head Teacher (unless they are about the Head Teacher), via the school office. This may be done in person, in writing (preferably on the Complaint Form), or by telephone.

The Head Teacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 2 school days.

Within this response, the Head Teacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Head Teacher can consider whether a face-to-face meeting is the most appropriate way of doing this.

During the investigation, the Head Teacher will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Head Teacher will provide a formal written response within 10 school days of the date of receipt of the complaint.

If the Head Teacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Learning Opportunities will take to resolve the complaint.

The Head Teacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about the headteacher, the proprietor completes all the actions at Stage 2.

If the complaint is jointly about the Headteacher and proprietor Stage 2 will be considered by an independent investigator. At the conclusion of their investigation, the independent investigator will provide a formal written response.

### **Stage 3 - Formal Complaint (Panel)**

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 2.

The proprietor will appoint a panel of at least 3 people who were not directly involved in the matters detailed in the complaint. At least one member of the panel will be independent of the running and management of the school.

A request to escalate to Stage 3 must be made to the Proprietor via the school office, within 20 school days of receipt of the Stage 2 response. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Proprietor (or a person delegated by them) will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 school days of receipt of the Stage 2 request. If this is not possible, the Proprietor will provide an anticipated date and keep the complainant informed.

The complainant will be advised that they can be accompanied to the meeting if they wish.

If the complainant rejects the offer of three proposed dates, without good reason, the Proprietor will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

**Note:** *Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least 10 school days before the meeting, the Proprietor (or a person delegated by them) will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted at least 6 days before the meeting.

Any written material will be circulated to all parties at least 7 school days before the date of the meeting. The panel will not accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations

take place. Consent will be recorded in any minutes taken.

The panel will hear the complaint and all evidence presented. The panel can either:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the panel will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

A copy of the panel's findings and recommendations will:

- be provided the complainant and where relevant the person who was subject to the complaint within 10 school days.  
The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by Learning Opportunities.
- be made available for inspection by the proprietor and headteacher

The proprietor will maintain a written record of all complaints made at Stage 2. Information will detail if the concern was resolved at Stage 2 or whether it was escalated to Stage 3 (panel hearing), and action taken by the school as a result of those complaints regardless of whether they were upheld.

All correspondence, statements and records relating to complaints will be kept confidential.

If the complaint is jointly about the Headteacher and proprietor Stage 3 will be heard by a panel completely independent of the management and running of the school.

## **NEXT STEPS**

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 3.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Learning Opportunities. They will consider whether Learning Opportunities has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Department for Education  
Piccadilly Gate  
Store Street  
Manchester M1 2WD.





Please complete and return to the Head Teacher who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Student's name (if relevant):</b>
<b>Your relationship to the student (if relevant):</b>
<b>Address:</b>  <b>Postcode:</b> <b>Day time telephone number:</b> <b>Evening telephone number:</b>
<b>Please give details of your complaint, including whether you have spoken to anybody at the school about it.</b>

**What actions do you feel might resolve the problem at this stage?**

**Are you attaching any paperwork? If so, please give details.**

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**

Learning Opportunities 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 our school. 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.

Learning Opportunities defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, 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 school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- seeks an unrealistic outcome
- makes excessive demands on school 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.

Complainants should try to limit their communication with the school 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.

Whenever possible, the Head Teacher will discuss any concerns with the complainant informally before applying an *'unreasonable'* marking.

If the behaviour continues, the Head Teacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact Learning Opportunities 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.

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 Learning Opportunities.

## **Appendix C**

### **Number of Complaints Received - Academic Year 2020/2021**

Complaints Received - 0